

IDEALS OF
ANCIENT HINDU POLITICS
AND THE
ARTHAS'ĀSTRA OF KAUTILYA

BY
B. B. NAIK. M. A.

WITH A FOREWORD

BY
A. C. FARRAN, M.A., I.E.S.

Principal, Karnatak College, Dharwar.

1932

RAMA VARMA RESEARCH INSTITUTE,
TRICHUR, COCHIN STATE.

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A THESIS ACCEPTED BY THE UNIVERSITY OF BOMBAY IN LIEU OF THE
FOUR PAPERS IN SANSKRIT AT THE M. A. EXAMINATION.

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To my father

Tirtharupa

BHIMRAO B. NAIK

with gratitude and love



FOREWORD

A few years ago the University of Bombay decided to institute, in the M. A. curriculum, a degree by thesis as an alternative to the more ordinary degree by examination. The motive of this change was to encourage research and to make students think for themselves

The Karnatak College has already been responsible for much creditable research through the medium of its Sanskrit Literary Association but this essay by Mr. B. B. Naik — recently accepted by the University — is the first thesis submitted from the College. It is an attempt to elucidate the basic political ideas of the Ancient Hindus, and though I cannot unfortunately claim any personal knowledge of the Sanskrit texts examined, I can recognize in it an honest and painstaking attempt to solve a difficult problem.

A. C. FARRAN.

P R E F A C E

While reading for the degree of B. A., I had to study the Arthas'āstra of Kautilya along with my fellow-students¹ by employing modern critical methods under the direction of Prof. V. G. Bhat, M. A. (*cantab*). Partly owing to the political genius of its author, and partly to the modern character of the administrative machinery described therein, my curiosity in ancient Indian Politics received an impetus which impelled me to study besides the Arthas'āstra, some more Sanskrit works bearing on the subject in question, like the Mahābhārata, the Gautama Dharmasūtra, the Manusmriti etc. Accidentally, I picked up some books written by oriental scholars on Hindu Polity, namely, Prof. Sarker's 'Political Institutions and Theories of the Hindus', Dr. Banarjee's 'Public Administration in Ancient India,' Jayaswal's 'Hindu Polity,' etc. But the conclusions arrived at by these scholars in regard to the political ideals and theories of the ancient Hindus, which usually hinted at the existence of the elements of democracy, somehow appeared to be in disagreement with the notions, which I had formed after reading the books mentioned above. To ascertain the correctness of my views I began to study them, (especially the Arthas'āstra), with great attention,

1. This was while we were working for the 'Studies in the Arthas'āstra of Kautilya' — a publication of the Sanskrit Literary Association, Karnatak College, Dharwar, in the year 1929.

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but to my surprise and satisfaction the ideas which I originally held concerning ancient Hindu Politics appeared to be both sound and correct. The present essay is a modest attempt at their systematic expression.

In order to equip myself with necessary knowledge for the purpose I studied some works on modern Politics, such as "The Nature of the State" by Willoughby, "Elements of Political Science" by Leacock etc. and also went through the Dharmas'āstra literature and the relevant portions of the Mahābhārata. I have not, in this connexion, adduced any passages from the Rigveda in this essay as, in that particular age, it is not possible to find any developed theories of the State and its origin.

In the course of trying to find out the basic ideas of the ancient Hindus about the State I came to know that they were based on the foundations of Dharma alone. And this to my mind is a fresh contribution to our understanding of the political philosophy of the Hindus of bygone days.

In the following pages I have set forth my views as follows :—

The chief intention of the essay being an examination of the political ideas of the ancient Hindus in the

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light of modern political science, I have first of all, dealt with a few essential theories of the State prevalent in the West. I have also tried to explain in brief the modern idea of the State. Then, I have proceeded at some length to examine the conception of Ancient Hindu Kingship (for that was the only institution of the State with which they were familiar). As a result of its critical examination, I found out that the ancient Hindu monarchy was based on the secure foundations of the Dharma – the basic principle of the universe and not on any of the democratic principles. I have accidentally established a similarity between the Dharma and the idea of the State in Europe.

The latter half of the essay, I have devoted for the critical examination of the Arthās'āstra of Kauṭilya. I have selected for my study this particular work because I deem it to be the most representative and comprehensive treatise on the political ideas of our forefathers. As an outcome of its critical study, I have concluded, that what was true of the Dharmas'āstra idea of the State, was equally true of the idea of the Arthas'āstra, and this fact showed to me that Kauṭilya took the political philosophy of the Dharmas'āstras for granted, and treated of the practical administration of the State to cope with the complex requirements of the Mauryan empire, that probably was constituted of petty autonomous states.

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The whole trend of the essay is to show that the Ancient Indian political philosophy is not based, as some scholars are tempted to believe, on the principles of democracy, but on the wider principle of Dharma.

Now I have the very pleasant duty of tendering my grateful thanks to Principal A. C. Farran, M.A., I.E.S. of the Karnatak College, Dharwar, for kindly writing the foreword and also for encouragement and valuable suggestions. I also offer my sincerest thanks to my tutor Prof. V. G. Bhat, M.A. (*Cantab*). M.R.A.S., under whom I had the privilege and pleasure of working as a post-graduate student, for constant advice and paternal encouragement. But for his able guidance it would have been practically impossible for me to place this book before the public. I also take this opportunity of acknowledging my obligations to Principal G. B. Jathar, M.A., I.E.S., for having provided me with all sorts of facilities while working for the essay. Lastly, my cordial thanks are due to all my friends, and especially to Mr. K. Rangapur, for having prepared the manuscript for the press, and also to Mr. Y. B. Jathar, B.A., L.L.B., the obliging proprietor of the Karnatak Printing Works, Dharwar, for the very nice get-up of the booklet.

DHARWAR,
14th November, 1932.

B. B. NAIK

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IDEALS OF
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I
THE THEORIES OF THE STATE AND
THE INSTITUTION OF MONARCHY

The Object of the essay—Origin of the State and justification of its authority—The Social Contract theory—Hobbes, Locke and Rousseau—The Divine theory—The Historical theory—Monarchy, the earliest form of the body politic—Nature of Monarchy — Monarchy and Democracy compared—The State as conceived to-day

The essay being primarily an attempt at a study of Ancient Hindu Politics in general and the Arthas'āstra of Kautilya in particular, on modern critical lines, we think it necessary, to treat in brief at the very outset, those ideas of modern political science which are essential for its proper understanding. Accordingly, the first chapter which forms as it were, the background of the thesis, has been exclusively devoted for the concise pre-

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sentation of the ideas of western political thinkers concerning the state and its origin.

Any inquiry in the field of political science, must be based on clear notions as regards the origin of the State and the justification of its authority. The question of the rationality of the authority of the State is intimately connected with the one of its origin. "Speculation," says Leacock, "as to the beginning of government is not merely a matter of historical curiosity, for it is intimately connected with the more important question of the justification of government—the right of the State to be."

With the dawn of political consciousness, man, who blindly obeyed authority from sheer fear of physical or supernatural force, attempted a rational explanation of political power. Crude concepts as to the origin of the State and its authority were followed by more reasonable theories which kept pace with the contemporary political experiments. To the modern analytical eye these speculative theories of the past may appear fallacious, being in the main the outgrowth of the actual political conditions of their age, 'explaining the institutions and reflecting the motives and ideals underlying current political thought' and thus liable to modification with the changes of time and its political ideals. These various theories although fallacious have exerted great

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influence in the formation of the modern political theory and the structure of government. We give below such of them as appear to be consistent with the purpose of the essay.

1. The Theory of Social Contract.

Of all the views concerning the origin and justification of the State, the doctrine of social contract stands pre-eminent and is of supreme importance in the extent of its influence on present day political thought.

It assumes an original non-political life of mankind antecedent to the institution of the body politic or the State. In this primitive stage or the 'State of Nature' as it is called, man was found to obey the dictates of his reason or rather of his instinct — The Law of Nature¹ —utterly uncontrolled by any laws of human imposition. In this natural state every man possessed only 'Natural Rights.' In course of time, either because that condition was too good to last or because it was intolerable on account of the selfish aggression of individuals, man was compelled to desert it. He entered into an agreement with his fellow-men, formed a union abandoning his 'Natural Rights' in return for common protection, and thus created the civil society or the State. "Natural law," as Gettel says, "was replaced by the law of the

1. Vide pp. 92-94. The Nature of the State—Willoughby.

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State, which enforced by all created mutual rights and duties." In addition to the formation of the body politic, the individuals constituting it had to reach a further agreement among themselves, according to which a government was created and authority concentrated in particular hands.

This is in substance the theory of Social Contract. "It is essentially individualistic, viewing the State as the deliberate creation of man, and the authority of government as resting ultimately on the consent of the governed."

This theory the idea of which is traced even in the writings of Plato and Aristotle,¹ attained great prominence during the seventeenth and the eighteenth centuries, lending itself to divergent interpretations at the hands of Hobbes, Locke, and Rousseau. According to Hobbes, the State of Nature being one of war, men by consent transferred their 'Rights' irrevocably to a common authority who was expected to afford them protection but who formed no party to the contract. Locke thought the State of Nature to be one of 'equality and freedom' but ultimately unsatisfactory and inconvenient. He therefore said that men were led to abandon their Natural State and submit to the restraint of the Civil Society. In the contract which they made however, the

1. See Tozar's Introduction to Rousseau's *Social Contract*.

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ruler was also a party and hence, Locke maintained that the contract was subject to dissolution the moment the monarch failed to attend to his duty. With Rousseau the State of Nature was one of ideal happiness relinquished only because of the growing population and advancing civilization which brought evils in their train and marred the condition of this "idyllic felicity." According to the agreement which men formed the government was viewed as a mere instrument to carry out the orders of the General Will.

From the above it can be easily seen that these philosophers offered their individual expositions of the theory in order to justify the political institutions which each of them affected: the first advocating absolute Monarchy, the second upholding constitutional or limited Monarchy, and the third pleading for modern Democracy.¹

1. Though the fundamental principles on which the theory is based have been violently criticised, yet, it should be remembered, that the *spirit* of the theory is ever there to serve as the corner-stone of any state in any age. Cf. "Whenever any form of govt. apart from the merest tyranny exists, reflection on the basis of the state cannot but lead to the notion that it is based on the consent tacit or expressed, past or present, of its members", G. D. H. Cole—in his introduction to R's *Social Contract*.

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2. The Theory of Divine Right.

Next comes the theory of the divine right of kings. It sprang up in the period of religious strife between the papacy and the new protestant princes and was used first as a weapon of defence by the latter ; late it became a defensive weapon of the monarchists. The theory postulates that the institution of the State—and especially that of monarchy is a deliberate divine creation. That the king is a trustee of the people directly appointed by God as his representative on earth. This theory makes the king responsible to God.

3. The Present Political Theory.

The edifice of the ' Historical or the Evolutionary theory ' which is being advocated by the best of modern thinkers, is erected on the solid foundations of a vast amount of research work in the field of Anthropology.

It views the State not as a deliberate human creation or a Divine gift, but as an organism, subject to the ordinary laws of nature. It has, according to this theory, gone through a long process of growth or development and is comparable to physical or intellectual capabilities of man. It establishes that " the State is not an invention ; it is a growth, an evolution, the result of a gradual process throughout all the known history of man and receding into the remote and unknown past¹. " The

1. Leacock ;—Elements of Political Science.

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theory holds the institution of Patriarchal family to be the primary unit of social organisation. According to it families combined to form a 'gens' or the 'House'; groups of 'houses' formed a tribe, and finally a community of tribes resolved itself into the State¹. Ultimately the family discipline permeated the entire organisation and hence the earliest distinctive political institution manifested itself everywhere in the form of monarchy².

Kautilya being the foremost exponent of the ancient Indian state-craft, it is but natural that his ideas concerning the State should exclusively hinge on the institution of monarchy. Before therefore, embarking upon the discussion of the subject proper it is essential for us to clarify our ideas about monarchy so as to employ them in our examination of the Arthas'āstra.

In this form of government in theory at least, authority is concentrated in a single individual who is called the king. He is the main-spring or repository of the executive, judicial, and legislative powers, and consequently the administrative officials of the state are expected to carry out his behests. As a corollary to

1. For a detailed description of the evolution of the State from the family, see Wilson's *The State-Chapter I*.

2. It is significant to note in this connection that Aristotle had long anticipated or rather outlined this theory of 'Evolution' in his *Politics*.

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this his indefeasible sovereignty, follows the theory of his overlordship with reference to that particular tract of country over which he exercises his sway. In monarchy men retain their possessions for themselves only during the pleasure of the king. Under this form of government, the State is completely identified with the ruler and hence all its activities tend to converge to the single end of promoting his own material prosperity. Furthermore, the will of the monarch reigns supreme over the will of the people, and lastly what is called 'Civil liberty' exists if at all only in a very restricted sense. It may only be said to exist in so far as the individual secures protection against his fellow-subjects. In other words, the institution of monarchy practically recognises no rights of Citizenship.

The division of responsibility in monarchy and democracy can well be illustrated by taking the figure of an Isosceles triangle. At the base we find the responsibility of the executive at its highest, whereas as we proceed from the base towards the apex the responsibility gradually diminishes till at the vertex we find it at its minimum. So quite unlike the democratic state the monarchical state is not responsible to the mass of the people. Another point of distinction between the two is about the ultimate location of sovereignty. Whereas in monarchy the king is the final authority over the

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problems of the State, in democracy it is the general will of the people alone. Finally, whereas in democracy the government or the administrative machinery derives its authority from the General will, in monarchy it derives its authority from the king alone.

Before closing this chapter we are going to state in brief the evolution of the modern idea of the State as we want to utilise it later on for comparing it with its Hindu conception.

Firstly, the State is viewed to-day as a pure secular organisation as distinguished from the Church or the religious institution. "The State, while not considered as immoral, is now held to be essentially non-moral, and its activities and interests viewed as wholly independent of those matters that particularly pertain to the spiritual life of man¹."

This idea of the State has evolved from the theological to the metaphysical and thence to the positive stage. In the theological stage the institution of the State and everything pertaining to it—the law and its administrator—were regarded to have been invested with a halo of divinity. Religious and civic matters were almost identified. This was the universal attitude of the earliest human society towards the State. Especially it persisted long among the nations of the East.

1. Willoughby - *The Nature of the State*,—P. 385.

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In the next or the metaphysical stage not God but Nature was postulated to be the proximate cause of the State and its laws. The divine element however, was relegated rather to a subordinate position as God was recognised to be but indirectly related to the creation of the body politic. The Romans, who incorporated the idea of a rational universal law of Nature¹ elaborated by the Stoic philosophers, thought all human laws conformed to it and not to the Divine Law.

With the disappearance of the groundless ideas of Divine and Natural laws, the conception of the State as a positive and secular institution came into vogue.

Secondly, the modern State is characterised as a thorough Sovereign Body—entirely independent both externally and internally. With the elimination of the ideas of Divine and Natural Laws the State whose will was so long presumed to have been fettered by either of them, naturally realised its unbounded will in the exercise of unqualified authority,—though it continues to this day the delimitation of its power for practical purposes. The factors which have contributed to the development of this idea are, the study of Roman Law, the influence of the Christian Church, the feudal idea of allegiance, the rise of powerful monarchies, and the enunciation of new theories in politics.

1. Vide Willoughby — The Nature of the State—PP. 98-99.

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Finally there comes the attribute of what is called the 'Personality'¹ of the State which is said to be the most distinguishing feature of the conception of the modern State. This idea having a most recent origin as it is too abstract, has practically no history behind it.

To conclude then, the modern State is regarded as a secular positive body absolutely independent both of its citizens and the co-ordinate states, being endowed with a Personality of its own which consists in the unity of political purpose of its citizens.

1. Cf. "..... Personality is not identical with physical individuality. Personality signifies the capacity for united, continuous, reasoning volition". *Jellink*—quoted by Willoughby in *The Nature of the State*—P. 135.



II

THE CONCEPTION OF HINDU MONARCHY

The King an embodiment of organised rule to the ancient Hindus—Theories of Kingship—The State neither an invention nor a human creation but an outcome of the Divine Will—The Divinity of the King—The duties and responsibilities of the King—Limitations on regal authority — (1). Dharma, the Cosmic Law—the concept as old as the Rigveda—identity of Dharma and the idea of the State in Europe, (2), The Instinct of self-preservation - The position of the King in ancient India—The Patriarchal ideal.

Right from the Vedic times the ancient Hindus seem to have realised the enormous importance of organised rule embodied in a King. They appear to have thought that the disciplined life of society was entirely due to its existence. The Aitareya Brâhmaṇa tells us that in the battle between the Devas and the Asuras the former were defeated, and this defeat, in the opinion of the Devas, was solely due to the fact that they lacked in a King, and forth-with they elected one from among themselves¹.

1. देवाऽसुरा वा एषु लोकेषु समयतंत तांस्ततोऽसुरा अजयन् देवाऽब्रुवन्नराजतया वै नो जयति राजानं करवामहा इति तथेति 1-14.

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“If the King”, Manu observes, “were not to wield the rod of chastisement with great vigilance over those deserving to be chastised, the strong would kill the weak [like the fish in water]. [यदि न प्रणयेद्राजा दण्डं दंड-
येष्वतन्द्रितः । जले मत्स्यानिवाभक्ष्यन्दुर्बलान्बलवत्तराः।]”¹. The Mahābhārata which holds that it is irreligious (lit. not in accord with the Vedas) to inhabit a Kingless country², denounces the anarchical form of government presumably because of the chaotic condition prevailing therein³, saying “Nothing is more conducive to sin than a kingdom without a ruler”⁴. Almost in the vein of Manu Kaṭilya also while emphasising the paramount necessity of having a King, remarks, :— अप्रणीतो हि मात्स्यन्याय मुद्गावयति । बलीयानबलं हि ग्रसते दण्डवराभावे⁵।: “When Danda is not exercised, it gives rise to the Logic of the fish (i. e. anarchy). In the absence of a King wielding the rod of chastisement the strong devours the weak.” “The king”, says Kāmandaka “is as important a prop of creatures as the rain itself, nay, perhaps more, since one can survive the failure of rains, but not the absence

1. VII. 20.

2. नाराजकेषु राष्ट्रेषु वस्तव्यमिति वैदिकम् । S'ānti. LXVI. 5.

3. cf. Verses 13-15 ibid, and also 10-19. Ibid. LXVII.

4. न हि राज्यात्पापतरमस्ति किञ्चिदराजकात् । S'ānti LXVI. 7.

5. Arthas'āstra. P. 9

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of the King.¹” Bhāsa echoes the same idea when he compares the helpless plight of a kingless people to that of a herd of cattle that has lost the herdsman.²

As to the origin of Kingship it was popularly traced from God. This theory of the Divine origin of Kingship which was first hinted at in the Rigveda³ and also in the dogmatic assertions of the Brāhmanas,⁴ was elaborated and placed on comparatively sounder foundations by Manu and the Mahābhārata. The theory detailed in Manu substantially coincides with the one that we find in the Mahābhārata but nevertheless, there is a slight distinction between the two which we shall note later on.

1. पर्जन्य इव भूतानामाधारः पृथिवीपतिः ।

विकलेऽपि हि पर्जन्ये जीव्यते न तु भूपतौ । Nītisāra, ch.I.13

2. गोपहीना यथा गावो विलयं यान्त्यपालिताः ।

एवं नृपतिहीना हि विलयं यान्ति वै प्रजाः ॥ २३ ॥

Pratimā. Act III.

3. “The spouse of Purukusta gave oblations to you, oh Indra—Varuna, with homage. Then unto her ye gave King Trasadasyu, the *demi-god*, the slayer of the foemen.”:—

पुरुकुत्सानी हि वामदाशद्व्येभिरिन्द्रावरुणा नमोभिः ।

अथा राजानं त्रसदस्युमस्या वृत्रहणं ददथुरर्धदेवं ॥

IV. 42. 9.

4. “As as to why a Rajanya shoots, he, the Rajanya, is manifestly of Prajapati : hence while being one he rules over many”. — ‘Satapatha Brahmana.’ 1, 5, 14. And also Cf. Vajasaneya Samhita : 1, 4, 2; 2, 5, 3;

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Let us firstly take up the theory of Manu. He says:— “ When this Kingless world dispersed in terror in all quarters, the Lord created the King for its protection, a being who was composed of the immutable fractions of Indra, the Wind-god, Yama, the Sun-god, the Fire-god, Varuṇa, the Moon-god, and the Lord of Wealth.¹ ” These constituent divine ‘Parts’ (*Matrah*) of the king were interpreted as the symbols of his various functions appropriate to different environments². The theory, it will be observed, conceives ‘The State of Nature’ as one of confusion and anarchy quite in the Hobbesian spirit³, and attributes the creation of the monarch to the will of God. Thus Manu appears to have thought that King’s rule rested finally not upon an agreement but upon the divine ordination.

A somewhat similar theory is elaborately and fancifully expounded in the Mahābhārata. In Chapter 58 of the S’āntiparvan King Yudhishtira is introduced as asking Bhīṣ’ma two questions—one about the origin of the title of Râjan and the other about the justification

1. अराजके हि लोकेऽस्मिन्सर्वतो विद्रुते भयात् ।

रक्षार्थमस्य लोकस्य राजानमसृजत्प्रभुः ॥

इन्द्रानिलयमार्काणामग्रेष्व वरुणस्य च ।

चन्द्रवित्तेशयोश्चैव मात्रानिर्हृत्य शाश्वतीः ॥ VII. 3-4.

2. Cf. Manu IX. 303-311 ; and also S’anti, LXVII. 46-47.

3. See page 4 Chapter I. (of this essay).

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of the superiority and mastery of one man subject to the ordinary laws of nature, over his fellow-beings equally intelligent, efficient, and strong in body and mind. The answer to these queries obviously leads Bhîs'ma to recount a story about the creation of the King and the basis of his authority. He begins his discourse by observing " (Originally) there was neither Sovereignty nor Sovereign, neither coercion nor coercive authority, and people used to govern themselves by means of Dharma, the Sacred Law "¹. But this state could not long endure. In a short time, we are told, society fell a victim to the ravaging vices of passion, greed, self-indulgence and anger², and its corruption entailed the effacement of the Vedas and defilement of Righteousness or Dharma³. (The above description of the gradual corruption of the idyllic pre-statal condition as given by Bhîs'ma, it should be noted in passing, is very similar to the idea of Roussaeu about the State of Nature.⁴). Frightened at this state of affairs, the gods

1. नैव राज्यं न राजाऽसीन्न च दण्डो न दाण्डिकः ।

धर्मेणैव प्रजाः सर्वा रक्षन्ति स्म परस्परम् ॥ १४ ॥

S'anti LXVIII.

2. Ibid. Verses 15-20.

3. विप्लुते नरलोकेऽस्मिस्ततो ब्रह्म ननाश ह ।

नाशाच्च ब्रह्मणो राजन्धर्मो नाशमथागमत् ॥ २१ ॥ ibid.

4. See Chap. I. P. 4. (of this essay)

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sought the protection of the Lord Brahmā, who created for their sake an exhaustive treatise on Dandanīti which dealt with the fourfold ends of life : virtue, wealth, desire and salvation¹. Then they approached the Lord Vishṇu and begged of him to select a person who would deserve the highest position among mortals. Thereupon by the power of his will he created Virajas (विरजस्) out of his own lustre- तैजसं विरजसं सोऽसृजन्मानसं सुतम् ² ॥

This is in substance the theory of the origin of the State as presented in the Mahābhārata. It is slightly different from Manu in that it pictures the State of Nature as being *originally* of an idyllic condition. Both of them perfectly agree in ascribing the creation of the State or the king to God for securing common-weal. To put it in modern terminology, these theorists view the State neither as a voluntary organisation of men nor as an organism evolved out of human instinct and reason, but as a thing imposed upon mankind for its general good by some external Agency superior to man. "It is", to put in the words of the European monarchists of the Middle Ages, "the instrument of a divine purpose."

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1. ततोऽध्यायसहस्राणां शतं चक्रे स्वबुद्धिजम् ।
यत्र धर्मस्तथैवार्थः कामश्चैव तु वर्णितः ॥ २९ ॥
त्रिवर्ग इति विख्यातो गण एष स्वयंभुवा ।
चतुर्थो मोक्ष इत्येव पृथगर्थः पृथगुणः ॥ ३० ॥ *ibid.*

- 2 *Ibid*, 96.

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There was another theory current in those times according to which the institution of Kingship owed its origin partly to human initiative. This view has been mentioned in the Mahābhārata and also in the Arthasāstra of Kauṭilya which we shall note later on. The following is the gist of the theory :—

Being disgusted with the state of confusion and suspense wherein like the fish in water the strong assailed the weak, people arrived at a mutual understanding (*Samaya*) between themselves. (अराजकाः प्रजाः पूर्वं विनेशुरिति नः श्रुतम् । परस्परं भक्षयन्तो मत्स्या इव जले कृशान् । समेत्य तास्ततश्चक्रुः समयानिति नः श्रुतम् ।)¹ But this condition proved unsatisfactory and hence all of them together, approached the Grand-father (पितामहः) and said unto him "We are perishing, oh Lord, for want of a king. Appoint a king over us. We shall worship him and he shall protect us". [अराजका विनश्यामो भगवन्नीश्वरं दिश । यं पूजयेम संभूय यश्चनः प्रतिपालयेत् ।]² The Great God specified Manu as their king whom they greeted with loud cheers. Manu on his part was reluctant to assume the reins of government since he said that to rule over mortals of fraudulent character was indeed the most

1. S'antiparvan, LXVI — 17-18,

2. Ibid, 20-21.

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difficult task. But the people prevailed upon him to become their king by promising to offer a fixed share of their income¹.

The theory is equally fanciful like the one mentioned above. In its attempt to found the State purely on human efforts it inevitably falls back upon God as if thinking with the characteristic of the Hindu mind that any undertaking would be successful only when supported and sanctified by the Divine will. In attributing to Brahman the appointment of Manu as the king of men, the theory, though indirectly, invests Kingship with a halo of divinity.

The Divinity and consequent unbounded prowess of the king is extolled in unequivocal terms both in the *Manu Samhitâ* and the *Mahâbhârata*.

“Because the king is created out of the parts of the guardians of the world”, (Lit: the Lords of gods), Says Manu, “ he excels all the creatures in lustre or greatness². ” Again, according to Manu, in view of his irresistible power and divine splendour, the king should

1. पशूनामथ पञ्चाशं धूरण्यस्य तथैव च ।

धान्यस्य दशमं भागं दास्यामः कोशवर्धनम् ॥

Ibid, 23-24.

2. VII, 5 ; and also Cf. स्थापनं चाकरोद्विष्णुः स्वयमेव सनातनः ।
नातिवर्तिष्यते कश्चिद्राजानमिति भारत ॥ S'anti, LXVIII, 135.

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not be molested. "Even an infant-monarch should never be defied simply on the score of his being a mortal, for, (although a child), he is verily a mighty divinity confined to a human frame¹. The ordinary fire burns a single person who may happen to touch it unawares, whereas the fire of royal wrath consumes not only the offender but his family, property, and hoards of wealth"². "One desirous of prosperity", observes the Mahābhārata, "should honour the king as if he were Indra, for tradition says that in paying homage to the king one worships Indra himself"³. It further asserts that gods and the Lords of men are of equal status⁴. The conception of king's divinity reaches its culmination when the Mahābhārata completely identifies the ruler with God Vishṇu saying "then the divine Vishṇu entered the person of the king (i. e. Prithu in this case) and thenceforward the Lords of men are worshipped like gods⁵".

1. Cf. "The powers that be are ordained of God. Whosoever therefore resisteth the power resisteth the ordinance of God." St Paul :— Quoted by Dunning — Political Theories — Ancient and Medieval. Page 178

2. Manu. VII. 8-9 ; and Cf. also S'anti. LXVII, Sls. 40 & 50

3. इन्द्रमेव प्रणमते यद्राजानमिति स्मृतिः ।

यथेवैन्द्रस्तथा राजा संपूज्यो भूतिमिच्छता ॥

S'anti. LXVI. 4.

4. S'anti. LXVII. 153

5. Ibid. LXVIII. 136.

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But this unique position of the King in the land was counterpoised by the heavy responsibility that fell on his shoulders. He was thought to be responsible for any social evil. "When a King errs", remarks Bhîs'ma, "a great calamity befalls the state with the result that irreligious elements spring forth causing confusion of the castes.¹ Nature itself, we are further told, revolts against such a ruler.² The Mahābhārata looks upon the King as the master-architect of the destinies of men. "When a Sovereign commits a blunder the whole world itself is stupified, (for) he alone is the benefactor or the destroyer of all beings.³ Nay, he is the father of circumstances, of time. "All the four ages of Krita, Treta, Dwāpara and Kali ", observes the Mahābhārata, " derive their existence from the king and hence the king himself is

1. क्षत्रियस्य प्रमत्तस्य दोषस्संजायते महान् ।

अधर्मास्संप्रवर्धन्ते प्रजासंकरकारकाः ॥

S'anti, LXL. 36.

2. Cf. S'anti. LXL. S1. 37-38.

3. सर्व एव प्रमुह्यन्ते यदा राजा प्रमाद्यति ।

राजैव कर्ता भूतानां राजैव च विनाशकः ॥

S'anti, LXLI. 8-9.

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called an age.¹ A king again, it is asserted, who fails to discharge his duties partakes of sin committed by the people. "That ruler, says the epic", who even having received one sixth of the income (of the subjects) does not protect them, shares one-fourth of their sin".² Dangerous is the abuse of Danda, the law of punishment. "Danda, if used in all wisdom," Manu remarks, "pleases the people, and if wielded indiscriminately brings about an all-round destruction".³ Or the all-powerful sceptre might even annihilate the monarch swerving from the path of his duty.⁴ Bhîs'ma, having ascribed the birth of the four ages to the proper or improper application of Dandanîti,⁵ observes "A king who creates the Kali or the Iron age (thus) committing the foulest sort of sin becomes an eternal resident of Hell, a wretch sinking in the sins of his subjects."⁶ He

1. कृतं त्रेता द्वापरश्च कलिश्च भरतर्षभ ।
राजवृत्तानि सर्वाणि राजैव युगमुच्यते

S'anti. Ibid, 6. & also

Cf. Manu, IX, 302, and S'anti. LXIX, 25.

2. Cf. S'anti. XXIV S1. 16, and also Ibid, LXXV, 8.

3. समीक्ष्य स धृतः सम्यक्सर्वा रज्जयति प्रजाः ।
असमीक्ष्य प्रणीतस्तु विनाशयति सर्वतः ॥

Manu, VII, 19.

4. Ibid. VII. 28.

5. Shanti. LXIX. S1. 24.

6. कलेः प्रवर्तनाद्राजा पापमयंतमश्नुते ।
ततो वसति दुष्कर्मा नरके शाश्वतीः समाः ॥
प्रजानां कल्मषे मग्नोऽकीर्तिं चापि विन्दति ।

Ibid. 27-28.

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was also considered to be economically responsible. This responsibility appears to have been more tangible and direct than the social responsibility. For instance, the Dharmas'āstras enjoined upon the king in unmistakable terms to make good the economic loss suffered by any of his subjects on account of his negligence or carelessness in the proper discharge of his duties. Thus Gautama says, "A King having recovered a property stolen by thieves shall cause it to be received by its legitimate owner; (and in the event of his failure in finding it out), he shall compensate the loss by paying out of his own coffers". [चौरमपजित्य यथास्थानं गमयेद्राजा । कोशाद्वा दद्यात् ।].¹

His main duty was to ensure the safety of his subjects. Very great stress was laid on this duty of protection. In the course of his long discourse Bhīṣ'ma in the Mahābhārata points out to his royal interlocutor that in the opinion of the great political thinkers of yore 'Protection' was the cream or essence of regal duties (राजधर्माणां नवनीतम्²). He himself emphatically declares that it is the supreme duty of a king.³ Manu attributes

1. XI. 46-47 ; Cf. also Vishnu. II, 66-67.

2. S'anti. LXVIII. S L. 1-3.

3. एष एव परो धर्मः यद्राजा रक्षति प्रजाः ।

ibid. LXXI. 26 also

Cf. Ibid-11, LXVIII, -84 ; LXL. 3; and Manu, VII. 144.

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the creation of the king to the divine purpose of protection.¹ The king who neglected to protect his subjects was no king at all. Says the Great Epic:

किमनडुहा यो न वहेत् किं वा धेन्वाऽप्यदुग्धया ।

वन्ध्यया भार्यया कोऽर्थः कोऽर्थो राज्ञाप्यरक्षता² ॥

"What is the use of the bull which bears no burden? What purpose is served by the cow which gives no milk? Of what avail is the barren wife? what is to be done with the monarch who fails to protect (the people)?" Besides ensuring the safety of his subjects he had to attend to the following duties. (a) Always to seek the welfare of the people;³ (b) to establish all his subjects in the observance of their respective duties;⁴ (c) to dispense justice with equity;⁵ (d) to practice continence;⁶ and lastly (e) to please the people.⁷

The moral threats which we noted just above were intended to restrain the king from abusing his power which was not in any way restricted by any constitutional means. But these threats by themselves could

1. रक्षार्थमस्य सर्वस्य राजानमसृत्प्रभुः । VII. 3.

2. S'anti LXXVIII. 41.

3. Cf. Gautama. XI. 6.

4. Ibid. 9; and also Cf. Manu. VII. 35; Vasistha. XIX. 7.

5. Gautama. IX. 8; Manu. VIII. 8.

6. Gautama XI. 4; Manu. VII. 30-31.

7. S'anti LXVIII.

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hardly serve the purpose for which they were primarily intended. This fact however does not exclude the possibility of the existence of some self-imposed checks. These were the considerations of Dharma and the instinct of self-preservation.

As to the limitation of Dharma:—

The duties of the king were counted as part and parcel of Dharma — and hence it was that the section on Rājadharmā (duties of the king) found its place in the Dharmas'āstras—the supreme law which was conceived as the basis of the universal order and believed to have been emanated from the Divine Will.¹ It was considered as the fundamental principle conducive to the solidarity and progress of the universe of which the human society formed a part. (It might be explained as the sum-total of the powers of the universe or more concretely as the will of the Almighty designed to uphold and guide the whole creation). This Divine Law was

1. ब्रह्म वा इदमग्र आसीदेकमेव तच्छ्रेयो रूपमत्यसृजत धर्मं तदेतक्षत्रस्य क्षत्रं यद्धर्मस्तस्माद्धर्मात्परो नास्ति ... ।

“In the beginning there was Brahman alone....It put forth out of itself a splendid means of prosperity which was this Dharma (the law); what is Dharma is the Kshatra of Kshatra (i. e. controller of the King who is himself a Kshatriya). There is nothing higher than this Dharma.” (Br. U. 1-4-11),

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conceived as the supreme regulative principle of the Cosmic order of which the Laws of nature were only a part.

This idea of Dharma can be traced as far back as the Rigveda where it is signified by the word *Rita* (ऋत्) which occurs there in numerous places. "In its most general sense", says Griffith, while commenting upon the term, "the conception expressed by the word occupied to some extent the place of natural and moral Law, fate, or the will of a Supreme God¹". Nay, *Rita* expressed a more braod and loftier conception. It was declared to be some *benevolent* eternal power pervading and guiding the Cosmic order. Its all-embracing character is thus described by a Vedic seer:—"Born of waters kine, truth, and mountains, the Holy Law dwells in noblest places, amid men, in truth":—

नृषद्वरसदतसद्यौमसदब्जा गोजा ऋतजा अद्रिजा ऋतं² ॥

The vedic people believed that this infallible principle governed the whole of the universe and made the laws of nature conform to its discipline. "By Law", says an inspired poet while identifying himself with Varuna, the highest God of the Vedic pantheon, "I made to flow the moisture—shedding waters³ and set the heaven

1. The Hymns of the Rigveda Vol: I. P. 2.

2: R. V. IV. 40.5.

3. Cf. Ibid; VIII. 12. 3. where rivers are said to flow by the ordinance of Law; & also Cf. I, 124. 3. Ibid.

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firm in the seat of order. By Law the son of Aditi, Law-observer, has spread abroad the world in three-fold measure":—

अहमपो अपिन्वमुक्षमाणा धारयं दिवं सदन ऋतस्य ।
ऋतेन पुत्रो अदिते ऋतावोत त्रिधातु प्रथयद्विभूम¹ ॥

In response to the ordinance of Rita the rosy Dawn in their opinion, recurred day by day; the shining heavenly spheres took their regular rounds. Thus it is said of the Dawn:— "Born in the heavens, the Dawn hath revealed herself *in response to the Holy Law*, and comes towards us unveiling her majesty"—

व्यु१षा आवो दिविजा ऋतेना ।
विष्कृण्वाना महिमानमागात्² ॥

It was the Law which laid a path for the Sun to traverse. "For the board Sun," reads a Vedic hymn, "was seen a path more widely laid, the path of holy Law hath been maintained with rays." :—

अदर्शि गातुरुरवे वरीयसी ।
पन्था ऋतस्य समयंस्त रश्मिभिः³ ॥

Rita was conceived to be the Law working for the good of the universe. It was thought "By Law the

1. R. V. IV. 42. 4.

2. R. V. VII. 75. 1.

3. R. V. I. 136. 2.

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Ādityas stand secure, and Soma clings to his place in heaven.¹” By going along the path of Rita, S’aramā—‘the pointer of Dawn’—was believed to have found out the lost cows of gods;² or Indra was said to have destroyed Vala, his demonic foe dwelling in the mountains.³ But what was this straight or the right path? It was the path of righteousness, of truth, untrodden by the wicked.⁴ Thus this Law of Rita was finally looked upon as the Law of truth or the great Moral Law whereby like the Asha—the Avestan counter-part of Rita—“the world grows and prospers.”⁵ Later on Rita was actually identified with Truth for it was thought “by Law they came to Truth⁶”, and truth on its part in the days of the Upanishads came to be interpreted as Dharma.⁷

The several duties which the individuals belonging to the four-fold division of society were called upon to perform, were believed to have been assigned by Dharma to realise its own purpose *i. e.* to secure the stability of

1. R. V. X. 85. 1.

2. R. V. V. 45. 8.

3. R. V. X. 138. 1.

4. R. V. IX. 74. 6

5. Maxmuller, Hibbert Lectures. P. 257.

6. R. V. VII, 56.

7. Vide foot-note on page 25 of this essay.

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the universal order. The fulfilment of the obligations imposed by Dharma upon every member of the social order was supposed to achieve what the Gita calls "Loka-sangraha"¹ or the solidarity of society, and hence in view of promoting its well-being it was incumbent upon everybody to discharge such duties as fell to his lot. For instance, a person who was destined to be a soldier had to perform his duties as sanctioned and imposed by Dharma; or again a person who was born to be a doctor was necessarily obliged to perform his duties as a doctor. Even so a person who was born to the royal office was inevitably compelled to do his duties as prescribed by Dharma. The infringement of this inexorable Law by any person in the society, whether a prince or a peasant, was supposed to be unavoidably followed by Divine retribution in one form or the other, since it was thought to be working as rigorously as the known law of Nature. Thus it will be seen that the ancient Hindu Polity recognises the abstract Dharma as being over and above the King and the people holding both of them equally responsible for its observance.

It is note-worthy that the idea of Dharma comes in close proximity with the idea of State in Europe to

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1. Cf. कर्मणैव हि संसिद्धिमास्थिता जनकादयः ।
लोकसंग्रहमेवापि संपश्यन्कर्तुमर्हसि ॥

III, 20.

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which the rulers and the ruled alike are responsible. The fundamental ideas underlying the Dharma and the State are ultimately the same. This can be shown as follows :—

- (i) Dharma in the abstract is an entity which is both different from and above the King and the people and which is based on Universal weal. Similarly the State in the abstract is also an entity which is both different from and above the executive agency of a particular state and its people and which in addition is based on public weal. (Universal weal is concerned with the welfare of all beings, whereas public weal exclusively connotes the good of humanity alone with reference to a territorial unit).
- (ii) The Law of Dharma as embodied in the codes of conduct (Dharmas'āstra) is supposed to be backed up by the power centred in the Almighty and is conducive to universal weal; in the same way the Law of the State as embodied in its constitution is thought of as being backed up by the power or what is technically known as the ' Sovereignty ' of the people and is conducive to public weal. These respective Laws are intended to be enforced

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for the preservation and progress of the universe and the people respectively. Thus being a means to an end they are subject to alteration with the changes in the ideas of universal and public weal.

- (iii) Universal weal means what is understood to be such by the best minds whose idealism and prestige secure for them a large following in any particular country at any particular time in the course of its history. In like manner public weal also means in any state what is understood to be such by the best minds whose idealism and prestige secure for them a large following in that particular state at any particular time in the course of its history.

With the variation in the values of things the idea of universal weal undergoes a necessary change. So it is natural that its conception also should vary from age to age. In India where all questions of social organisation have always been thought of in terms of universal weal, we find, that in the Vedic age, it was supposed to consist in the worship of personified Nature in its various aspects. That at the time of the Brâhmanas, when the Vedic gods lost all their importance, universal weal was sought in the performance of sacrifices; that in the Upanishadic period the worship and meditation of

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Impersonal God came to be viewed as conducive to universal weal; that during the age of Buddhism, it was supposed to exist in the observance of Dhamma on the one hand, and of Karmayoga on the other; and lastly, that in the middle ages it was conceived to be achieved by an adherence to the Varṇāshrama Dharma as propounded by the Dharmas'āstras. Thus it will be seen how the idea of universal weal as formed in one age is at variance with that as conceived in another.

Similar is the case with the idea of public weal in Europe. With the advance of civilization and the evolution of thought its idea also undergoes a corresponding change. Thus, with the Spartans of Ancient Greece it was 'military brother-hood' which was helpful to public weal; the Athenians of the same period sought to achieve it by what Dunning calls 'Democratization'. To the Roman mind a strong and centralised world-empire appeared to secure it. During the Middle Ages it was strongly tinged by religious ideas. After Luther, due to the great classical Renaissance, the old Greek ideals were again revived and Democracy alone was sought to be conducive to public weal, and from that time onwards its study in Europe is going on till we come to the present age — the age of the League of Nations.

The conceptions of universal and public weal in any particular age and at any particular place are primarily

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the products of the minds of the best thinkers of that particular age and place, which they want to implant on the minds of the mass of the people. The latter are very easily converted to the ideals of the former since as the Gita says:—

यद्यदाचरति श्रेष्ठस्तत्तदेवेतरो जनः ।

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

(III. 21.)

"Whatsoever the superior man does, that alone is done by others. What he specifies as right, that the people follow". The similarity between the two concepts does not stop here only for with a moments' consideration it will be perceived that the one merges completely into the other : what we call public weal is a part and parcel of universal weal since as has already been observed, the former is concerned with humanity alone, whereas the latter encompasses within its fold the whole of the universe, including, it is needless to add, mankind also. It will be seen, therefore, that though working on different plans, the Indian and European thinkers, have been in reality, seeking to achieve the same noble ideals in their own peculiar ways.

The piety of the sovereign and the veneration in which he held Dharma the sacred Law, often prevented

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him from launching upon activities which were accepted as sinful. It is not difficult to imagine the existence of God-fearing kings in ancient India when Dharma held its full sway over the minds of the people. We learn from the Upanishads and the Epics that there were such kings as Janaka, As'wapati, Râma, Yudhisthira etc. who tried their utmost to bring down the ideals of Dharma to the practical plain.

The instinct of Self-preservation :—

The physical limitation proceeded from the instinct of self-preservation. The king in ancient India lived and moved among the people and hence by virtue of his peculiar situation he could not very much maltreat them which if effected would endanger his very life. Moreover, in those days of fierce competition when petty feudatory princes actuated by ambition rivalled with one another for power and extension of their dominions, every king expected at every moment an external attack from his enemy or enemies and against such an invasion the only sure protection or the shield was the good-will and loyalty of his subjects which he always strove to procure. The smallness of the state also, very easily conduced to maintain the uniformity of public opinion which, if flouted by the monarch, would entail an universal and speedy excitement resulting in the general outbreak. And hence it was that the voice of the people

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carried some weight with the kings especially in such cases as the installation of the heir-apparent. We learn from the Rāmāyaṇa that Rāma was consecrated as the Yuwarāja at the wishes of the people. There, we are told, that enamoured of Rāma's princely qualities all the citizens of the state resolved that he should be appointed as the Yuwarāja. With this decision they all waited upon Das'aratha and said :—

स रामं युवराजानमभिषिचस्व पार्थिव ।
इच्छामो हि महाबाहुं रघुवीरं महाबलम् ॥

"Consecrate, Oh King, Rāma as the Yuwarāja, for, we wish the valiant and the powerful one for that office." The good old king wondering for a moment at this sudden development, joyfully welcomed the proposal, and lost no time in passing orders for the preparations of his favourite son's installation ceremony. It is worthy of note that the king was beside himself with joy knowing that the people themselves were interested in having Rāma as their crowned prince.² Quite opposite was said to have been the case with king Pratāpa of Udyoga-parwan. The aged monarch yielded to the popular voice though with great reluctance in not having Devāpi,

1. Ayodhya Kanda.

2. अहोऽस्मि परमप्रीतः प्रभावश्चातुलो मम ।

यन्मे रामं प्रियं पुत्रं यौवराजस्थामिच्छत ॥ Ibid.

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his eldest and the virtuous son, as their Yuvarâja, since in the opinion of his people he was unfit to hold the reins of government as he suffered from a skin-disease. Sagara also followed the same course. He was compelled to exile Asamanjas, his eldest son, at the desire of his people who were very much distressed at the devilish hobby of the prince of drowning their children in the river S'arayu (S'ânti-Parvan). Thus it was that abuses of royal power were curbed by these two restrictions.

In view of these safe-guards against despotism, the position of kings in ancient India, must not have been quite so enviable. Any dutiful ruler of those times must have felt like Chandragupta of the Mudrârâkshasa when he says :—

राज्यं हि नाम राजधर्मानुवृत्तिपरस्य नृपतेर्महदप्रीतिस्थानम् । कुतः ।
परार्थानुष्ठाने रहयति नृपं स्वार्थपरता ।
परित्यक्तस्वार्थो नियतमयथार्थो क्षितिपतिः ॥
परार्थश्चेत्स्वार्थादभिमततरो हन्त परवान् ।
परायत्तः प्रीतेः कथमिव रसं वेत्ति पुरुषः¹ ॥

“ The state indeed is a great source of anxiety to the

1. Mudrârâkshasa. Act III. 4, Cf. Ibid. Act III. 5, and also

नातिश्रमापनयनाय यथा श्रमाय ।

राज्यं स्वहस्तधृतदण्डमिवातपत्रम् ॥

S'âkuntala, Act V. 6.

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king who conscientiously applies himself to the duties of his royal office. For, he has to forego his own interests in achieving those of others, as (otherwise), the epithet of the protector of the Earth (क्षितिपतिः) would certainly turn out bogus, devoid of its proper connotation. If therefore, he prefers the interests of others to his own, alas, (then), he is a slave, and how can one that is a slave of others taste (the fruit of) personal enjoyment ? ”

Besides, often inspired by the Patriarchal ideal the king in ancient India must have toiled for the realisation of one immediate goal - the welfare of the subjects. This solicitude of the king for the well-being of his own people is brought out in the Rāmāyaṇa in that famous incident of Rāma's abandonment of Sîta¹. The subjects on their part must have stood equal to the occasion by offering undivided fealty and submission to their benevolent protectors. No wonder that centuries afterwards, Kālidāsa, the princely poet of India, paid an eloquent tribute to such a grand Kingly ideal in these immortal lines. :—

स्वसुखनिरभिलाषः खिद्यसे लोकहेतोः ।
प्रतिदिनमथवा ते वृत्तिरेवंविधैव ॥

1. This lofty sentiment has been very beautifully expressed by the Rama of Bhavabhuti.

Cf. स्नेहं दयां च सौख्यं च यदि वा जानकीमपि ।

आराधनाय लोकस्य मुञ्चतो नास्ति मे व्यथा ॥ U. R. Act I.

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अनुभवति हि मूर्ध्ना पादपस्तीव्रमुष्णं ।
शमयति परितापं छायाया संश्रितानाम् ॥
नियमयसि विमार्गप्रस्थिनात्तदण्डः ।
प्रशमयसि विवादं कल्पसे रक्षणाय ॥
अतनुषु विभवेषु ज्ञातयः सन्तु नाम ।
त्वयि तु परिसमाप्तं बन्धुकृत्यं प्रजानाम्¹ ॥

We may venture to suggest in this context, that during that long period which immediately succeeds the composition of the Brâhmanas and terminates with the invasion of Alexander, the political life of India might have been more or less characterised by stable and undespotic government².

1. S'akuntalam. Act V. Sls. 7-8.

2. with the exception of the great Mahabharata war.



III

THE CONCEPTION OF HINDU MONARCHY (*Contd*)

Ancient Hindu monarchy not constitutional or limited - No recognition of Civil Liberty in the modern sense of the term - The King not subservient to the will of the people - And hence not their servant - Ancient Indian Kingship a benevolent institution - Its characteristics - Our line of enquiry in the Arthas'astra of Kautilya.

In view of the limitations of Dharma and the instinct of self-preservation on royal authority the kings in ancient India had to become restrained in its exercise. This fact tended to make the monarchy of the times a benevolent institution. It could hardly be a limited or constitutional monarchy as scholars like Jayaswal, Banerjee and others are inclined to believe. The former was assuredly divested of the democratic implications of the latter. For in the first place, the ancient Hindu polity never recognised 'Civil Liberty'—one of the most essential requisites of constitutional monarchy and also of democracy - as we understand it today. That is to say it attempted to safe-guard the 'rights' of an individual only against his fellow-beings and not against the highest executive authority of the land, the king himself. This

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is borne out by the fact that while the ancient political thinkers and law-givers of India made full provisions to protect the rights of an individual against the encroachments of another individual, they refrained from making such legal arrangements to safe-guard his rights against the King or the State. Of course in order to prevent the King from violating the Dharma or from erring in the discharge of his duties, the authors of the Dharmas'āstra and the Arthas'āstra schools prescribed certain acts of atonement exclusively for the royal person, but these were entirely expiatory penalties and hence religious in their spirit. For instance, Vasistha says :—

कृच्छ्रमदण्ड्यदण्डने पुरोहितः । त्रिरात्रं राजा¹॥

“ When a sinless person is punished the Purohita shall undergo self-immolation, and the King shall (observe fast) for three days. ” Manu lays down that a king should be fined a thousand Kārshāpaṇas where an ordinary person is fined but one Paṇa.² “ When the king”, observes Kauṭilya, “ punishes an innocent man he shall dedicate to God Varuṇa, a fine amounting to thirty times the unjust imposition, by throwing it into water; and this amount he shall afterwards distribute among Brāhmaṇas”.³ Being thus pure expiations these provi-

1. XIX. 42-43.

2. VIII. 336.

3. Arthas'āstra P. 236. Manu also suggests the same method of distributing the proceeds of such fines. See IX. 244.

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sions therefore, cannot be treated as constitutional weapons calculated to protect the legitimate rights of the subjects against the king. So, if at all the ancient Hindu Polity ever took cognisance of 'Civil Liberty', it did so in a very restricted sense and a narrow conception of Civil Liberty is surely, no mark of constitutional monarchy.

In the second place, the king was viewed as deriving his authority from Dharma and not from the people. For, according to the theory of origin of Kingship which we examined in the last chapter, the king was thought to have been specially created by the Divine will for the preservation of peace and order in the world of men. In virtue of this unique position which the King enjoyed, his authority was conceived as inviolable and his person as being beyond the control of all human regulative agencies, and as such he was looked upon as the symbol of Dharma, or the image of God, and hence it was that he was often compared to or identified with the Supreme Being.

This theory of his Divine creation and the belief in his unimpeachable prowess was not a myth, not a figment, but a living reality to the people of ancient India whose minds were swayed by a strong sense of Dharma—that all-pervading Sacred Law. What people

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thought and felt about the institution of Kingship, was simply given expression to both by Manu and the author of the S'ānti-parvan. This to our mind appears to have been the true position of these authors who have been but falsely compared to the European Fathers of the Middle Ages as being the Advocates of absolutism¹.

But though high, the royal office was not regardless of responsibility. The failure to discharge his duties enjoined upon him by Dharma was supposed to bring about his total destruction. The king in ancient India

1. Jayaswal seems to think that Manu's theory was his own *invention* when he says, "For this theory the author found no direct support in earlier literature". We do not subscribe to the view of the learned scholar. For this theory is not only found in Manu but it occurs also in the Mahābhārata more or less in the same words. (Cf. S'ānti XIV). But this does not mean that one is the borrower of the other. Probably both of them derived it from some common source for, as Dr. Kalidas Nag observes, "They appear to have come from that mysterious source of Hindu wisdom — Oral tradition which transmitted a vast collection of floating truth long before the schools and the schoolmen". (Diplomatic Theories of the Hindus). And this statement stands confirmed when we find that the conception of the divinity of the King is as old as the Vedas. For as we referred already in the last chapter, the germs of the theory appear in the Rigveda, the Atharvanaveda (III — 3, III. 4, IV. 22) and also in the Brāhmanas. In the face of this great antiquity of the theory, it is absurd to believe that it was Manu's fabrication to 'preach perfect absolutism'.

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was normally absolute. But when his absolutism was carried to its extremity he fell a victim to the righteous indignation of an oppressed people. This however should not be thought of as having any democratic significance as after the removal of the tyrannical ruler he was merely to be replaced by another who became an absolute monarch like his predecessor. This concerted action of the people against their oppressor was nothing more than a manifest demonstration of that spirit of defiance which is equally innate in man and the creatures of the lower world and as such it could not be called a violent popular gesture born of a *political motive*. It was the instinct of revolt in men which naturally reacted against the autocratic actions of the tyrant. What we mean here is that the people in ancient India resorted to tyrannicide not actuated by the consciousness that the delinquent ruler infringed on their legitimate rights, but impelled by some unknown force which was believed to operate against the monarch the moment he violated the Dharma. In other words, it was this inexorable Dharma which was conceived to bring absolute ruin upon him for having disregarded its dictates. This idea is clearly

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brought out by Manu. While describing the potency of Danda — the visible manifestation of Dharma¹ — he observes :—

दण्डो हि सुमहत्तेजो दुर्धरश्चाकृतात्मभिः ।
धर्माद्विचलितं हन्ति नृपमेव सबान्धवम् ॥

“ The mighty and majestic Danda, which is difficult for the wicked to wield, smothers the King, swerving from (the path of) Dharma, together with his family ”. Vena, the great tyrant of the Mahābhārata was deposed and killed since he grievously sinned against Dharma. Similar was conceived to have been the case with Nahus'a and Duryodhana. What we want to point out here is that it was Dharma and not the people, which was considered to punish an erring monarch. This belief of the people in the existence of some vindictive super-mundane power unmistakably indicates that Kingship was looked upon as a trust not from the people, but from God which fact proves that the King was amenable only to the will of God and not to that of the people.

1. Cf. तस्यार्थे सर्वं भूतानां गोप्तारं धर्ममात्मजम् ।

ब्रह्मतेजोमयं दण्डमसृजत्पूर्वमाश्वरः ॥ VII. 14.

And also दण्डः शास्ति प्रजाः सर्वा दण्ड एवाभिरक्षति ।

दण्डः सुप्तेषु जागर्ति दण्डं धर्मं विदुर्बुधाः ॥ Ibid 18.

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The king in ancient India was not responsible to the people because he was never looked upon as their servant. The conception of the king as a slave of the people, was a principle quite unknown to the political thought of ancient India as indologists like Banerjee Jayaswal, Sarkar and others are inclined to believe.¹ They base their conclusions on such passages as :—

1. षड्भागभृतो राजा रक्षेत्रजाम्² ।

2. स्वभागभृत्या दास्यत्वे प्रजानां च नृपः कृतः ।

ब्रह्मणा स्वामिरूपस्तु पालनार्थं हि सर्वदा³ ॥

saying that the taxes were regarded as the 'Wages' of the King for the services rendered to the state. Of course the taxes, in the opinion of the ancient Hindus, formed the 'reward'⁴ or remuneration, and not the 'wages' of the king as is generally believed. But drawing remuneration from the people on the part of the King did not necessarily imply his corresponding responsibility to them. His position was just like a government servant who regularly receives his salary from the

1. Says Dr Banerjee "the conception of the King as the servant of the State was one of the basic principles of political thought in Ancient India".—Public Administration in Ancient India p. 73. — Vide PP 174-176 in Prof : Sarkar's "The Political. Institutions & Theories of the Hindus".

2. Baudhyana. I. 10. 1.

3. S'ukraniti — I. 188.

4. Narada. XVIII 48.

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public treasury but is in no way responsible to the officers of the treasury. The king was conceived to have been appointed by God to protect the people and as such was directly responsible to Him for whatever he did. As their guardian, the subjects were ordained to maintain the King by a regular contribution of a fixed share of their income. Says Gautama : राज्ञो बलिदानं तद्रक्षण-धर्मित्वात्¹— “For his duty of protection the king shall be given the Bali taxes”. The king was *authorised by Dharma* to exact the taxes from the people, in return for the services of promoting the safety and prosperity of his subjects and so for fulfilling his duty to achieve the solidarity and progress of the Universe. Thus according to the ancient Hindu polity the King was primarily the servant of God and as such was remunerated by his Master who enjoined upon the people to pay their common benefactor a certain share of the produce. So the revenue formed the royal privilege or the right and not the wages as has been generally interpreted. To support their thesis that in ancient India the taxes were regarded as the wages of the king, the following verse from S’ukranîti is invariably quoted by these scholars:—

स्वभागभृत्या दास्यत्वे प्रजानां च नृपः कृतः ।
ब्रह्मणा स्वामिरूपस्तु पालनार्थं हि सर्वदा ॥

1. Gautama. X. 24 and 28.

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"Brahma created the king to be the master (of the people) for the purpose of (their) protection. But in so far as he receives his remuneration (from them) in the form of taxes, he is (their) servant". But this verse should not be taken too literally. It gives a mere metaphorical interpretation of the position of the king. From the second line of the couplet it is evident that S'ukra advocates the theory of the Divine origin of the king, which as noticed already, considers the ruler to be subservient to none else than God himself.*

But one may object :— what about the theory of "contract" between the king and the people postulated in the Mahābhārata and restated in the Arthas'āstra of Kauṭilya? If this theory was an accepted truth to the ancient Hindus, then how was it that the king was viewed as being irresponsible to the people? To this question our reply is that the ancient political philosophy of India never took notice of the theory that contrived to lend a secular colouring to the institution of kingship. In fact the so-called 'theory of contract' of the Mahābhārata which we have stated in the preceding chapter¹ does not contemplate any 'contract' between the king and the people in the real sense of the term. For, in the first place, the king (Manu), according to the theory, was not *elected* by the *people*, but was

* This moreover, is a much later work. (1)P. 18.

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appointed by God; and in the second place, he was not bound by any conditions before he accepted the royal office. Whatever things the people offered to Manu were offered by way of inducement, and not by way of conditions. For, the theory definitely maintains that he was at first unwilling to agree to the proposal of taking the responsibility of protecting the people on his own shoulders, but when he was enticed by valuable presents, he at once took charge of the office. So according to the theory, the first king of mankind, as specified by God, accepted his office unconditionally and that means without any contract which on its part implies that he was in no way bound to the people. He was never considered as their servant, firstly because, he was appointed by God to protect them, and secondly because, he was himself a semi-divine being and as such was beyond the jurisdiction of man. These are all the implications of the theory. Even this theory therefore, does not conceive of the sovereign as a slave of the subjects. In ascribing the appointment of Manu to the Divine will it implicitly assumes that the king is ultimately answerable to God. In this connection we cannot but take note of the *Partijnâ* or the 'coronation oath'¹ which was first said to

-
1. प्रतिज्ञां चाधिरोहस्व मनसा कर्मणा गिरा ।
पालयिष्याम्यहं भौम ब्रह्म इत्येव चासकृत् ॥
यश्चात्रधर्मो नीत्युक्तो दण्डनीतिव्यपाश्रयः ।
तमशङ्कं करिष्यामि स्ववशो न कदाचन ॥

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have been administered to Prithu, the successor of Vena, the oppressive sovereign of the Mahābhārata. According to Jayaswal the oath is a distinct indication of the existence of the idea of a contract at the base of the Hindu conception of Kingship, since by pronouncing it, the king, before ascending the throne, promises his faithfulness 'to the law established' and his subserviency to the will of the people. But if at all the oath can be called a "contract", it is a contract not between the ruler and the ruled but between him and the Dharma. For the king swears his loyalty not to the people but to Dharma when he repeats :—

यश्चात्रधर्मो नीत्युक्तो दण्डनीतिव्यपाश्रयः ।

तमशङ्कं करिष्यामि स्ववशो न कदाचन ॥

"In conformity with the science of government, I shall, without reservation, observe Dharma as is enunciated here by ethics and shall never be arbitrary". By declaring 'I shall never be arbitrary', he evidently means that he would never act of his own accord without any reference to Dharma. Again, the oath is to be administered to the would-be-king by the representatives of spiritual power. King Prithu of the Mahābhārata was made to take the vow by the gods and sages; in the Rāmāyaṇa it was Vasishta, who administered the oath to Rāma; and in subsequent times, as is evident from history, the same tradition was invariably followed by all the

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kings. The very fact that the vow is administered to the ruler by *spiritual authorities* and not by (the representatives of) *the people*, indicates with pretty certainty that the conditions constituting the oath are primarily proposed by Dharma and consequently it follows that the ruler is ultimately responsible to it only for its observance.

As to Kautilya, he mentions two theories, one the so called 'Contract' theory¹ of the Mahābhārata and the other the Divine theory². But we cannot say with Dr. Banerjee that Kautilya "is a believer in the human creation of the state".

1. मात्स्यन्यायाभिभूताः प्रजा मनुं वैवस्वतं राजानं चक्रिरे । धान्य-
षड्भागं पण्यदशभागं हिरण्यं चास्य भागधेयं प्रकल्पयामासुः । तेन
भूता राजानः प्रजानां योगक्षेमवहाः ।

"Oppressed by anarchy, the people made Vaivaswata Manu their king. They fixed one-sixth of the produce and one-tenth of merchandise in cash, as his remuneration. With this much as their salary the kings secure the safety and prosperity of the people".

2. इन्द्रयमस्थानमेतत् । राजानः प्रत्यक्षहेडप्रसादाः । तानवमन्य-
मानान्दैवोऽपि दण्डः स्पृशति । तस्माद्राजानो नावमन्तव्याः ।

"This (i. e. Royalty) is the seat of Indra and Yama. Kings are anger and favour incarnate. Even divine punishment descends on those who disregard them. And hence the kings should never be disobeyed.

Arthasastra p. 23.

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If it be argued that he is the upholder of this theory it can equally be contended that he believes in the conception of the divine creation of the king. This view looks more plausible, when we remember that Kauṭilya is the greatest advocate of hereditary monarchy. But to our mind it appears that he neither believes the one nor the other. Being thoroughly a practical politician he exclusively occupies himself with the art of governing the state, and not with the pedantic speculations over its origin. The citation of both these views is nothing more than a typical Kauṭilyan expediency of winning over the disaffected elements in the kingdom by arguments and counter-arguments advanced through the spies of the king before an assemblage of people. Beyond it the passages in question signify nothing else.*

From the above discussion we arrived at the following conclusions: firstly, that in ancient India, civil liberty was recognised in a very limited sense of the state affording protection to its subjects as against other individuals, and secondly that the sovereign was regarded as being ultimately responsible to God. These two main features of the monarchical institution of the times clearly show that the king, in theory at least, exercised unqualified authority and as far as his kingdom was

* The very context in which the theories are cited clearly shows that Kautilya could not have thought seriously as to their validity.

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concerned, there was no single human agency which could question him. But as we saw in the preceding chapter, he abstained from growing absolute, for his power was practically circumscribed by the conventional limitations of Dharma and the instinct of self-preservation. These two often kept him within the bounds of moderation and thus made his rule one of enlightened despotism.

The following were its most outstanding characteristics :—

- (i) The king was the highest executive authority in the state.
- (ii) His duties mainly consisted of taking protective measures.
- (iii) He enjoyed absolute sovereignty and hence provided a very narrow scope for the enjoiment of Civil Liberty.
- (iv) His power however. was restricted by two (unconstitutional) limitations of Dharma and the instinct of self-preservation.
- (v) In its general nature the ancient Indian Kingship was benevolent.

Now it is admitted on all hands that Kautilya was the foremost exponent of the Ancient Indian State-craft. We shall therefore, in the following pages, start an

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enquiry into the Arthas'āstra of Kauṭilya, so as to determine to what extent, the Kauṭilyan conception of Kingship either conforms with or differs from the one which we discussed so far.

We will carry our critical examination of the Arthas'āstra in the light of the five broad characteristics of the Hindu monarchy which we have mentioned just above.



IV

A CRITICAL EXAMINATION OF THE ARTHAS'ASTRA.

Royalty, the element of vital importance in the constituents of the State — King's relation to Dharma — The training of the prince — Importance of Vinaya or discipline and continence — The Kautilian king advised to enjoy sensual pleasures with due moderation — The duties of the king which mainly consist of taking disciplinary & protective measures with regard to the people and provide them with every opportunity of realising the three ends of human existence.

Royal sovereignty — King, the fountain-head of all authority, the various State-functionaries beings merely his deputies created out of his will — All the available natural resources claimed in the name of the king — Civil liberty very narrowly recognised, individuals being protected from the encroachments of his fellow-individuals and the govt officials as representing their own selves, and not from that of the royal person — The public of the state of the Arthas'astra not vested with the right of taxation, of enforcing their will either on internal or external affairs of the state, the king being the sole proprietor thereof.

The checks—Kautilya's is primarily an economic State—His subordination of Dharma to Artha — Though he believes in the efficacy of Dharma, still as an ardent upholder of the tenets of the Arthas'astra School, he thinks Dharma to be of secondary importance — This shows the influence of Dharma on the mind of his king is getting weaker — The king advised to identify his

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interests with the people with a view to secure the stability of his govt. — The character of the king the greatest barrier against despotism.

Importance of the King.

A great monarchist that Kautilya is, it is but natural that he should assign to the king the highest position in the state. Along with his predecessors Kautilya believes that the king is the saviour of a disorganised world. "In the absence of the king," he says, "exercising coercive authority, the strong would over-power the weak; but while backed up by him the latter would (easily) prevail over the former":—

बलीयानबलं हि असते दण्डधराभावे । तेन युक्तः प्रभवतीति¹ ।

In his opinion, the presence of the king not only ensures the safety of the weak, but what is more, it conduces to the healthy growth of the social order. For, he further observes:—

चतुर्बर्णाश्रमो लोको राज्ञा दण्डेन पालितः ।

स्वधर्मकर्माभिरतो वर्तते स्वेषु वर्त्मसु² ॥

"The people with their four orders and stages, when protected by a king administering the law of chastisement, are kept on their proper path, being attentive to their respective duties and professions". Hence it is that

1. Page 9.

2. P. 9.

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the Swâmin or the sovereign comes first in order of merit in the list of the seven constituent elements of the State :— स्वाम्यमाल्यजनपददुर्गकोशदण्डमित्राणि प्रकृतयः¹ ।

This tabular arrangement our author justifies in a later chapter of the Arthas'āstra. There, while controverting the view of Bhāradwāja who maintains that ministerial calamity is relatively more grave than what befalls the king, Kaṭilya says :— मंत्रिपुरोहितादि भृत्यवर्गमध्यक्षप्रचारं पुरुषद्रव्यव्यसनं प्रतीकारमेधनं राजैव करोति ।... ..

स्वामी च सम्पन्नः स्वसंपद्भिः प्रकृतीस्सम्पादयति² । स्वयं च यच्छील-स्तच्छीलाः प्रकृतयो भवन्ति । उत्थाने प्रमादे च तदायत्त्वात्³ । तत्कूट-स्थानीयो हि स्वामीति⁴ । "The king alone makes the appointment of the prime-minister, the High priest and other officials of the state including several departmental superintendents, removes the troubles relating to army and finance, and takes measures conducive to their

1. P. 257.

2. Cf. also

सम्पादयत्यसम्पन्नाः प्रकृतीरात्मवानृपः ।

विवृद्धाश्चानुवृद्धाश्च प्रकृतीर्हन्त्यनात्मवान् ॥

P. 259.

3. Cf.

राजानमुत्तिष्ठमानमनूतिष्ठन्ते भृत्याः । प्रमाद्यन्तमनुप्रमाद्यन्ति ।

P. 37.

4. P. 322.

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growth. Moreover, an accomplished monarch imparts his native excellences to the elements. Of whatever character he himself is, of that will be the statal categories, for on him depend (their) activity and inactivity. Therefore the Lord occupies the highest position (in the body politic) ". The designation of royalty as the foremost element in the ingredients of the state does not however, seem to have satisfied Kautilya, the arch-monarchist of Ancient India. For, he goes a step further and regards it as inevitable a factor in the formation of the state as the territory itself (Cf. राजा-राज्यमिति प्रकृतिसंक्षेपः¹) and thus implies that it is *de facto* the state. It is no wonder therefore, that in his extreme solicitude for the safety of the monarch he should devote four special chapters instructing the king how to take precautionary measures to shield his person against the secret workings of enemies, the vagaries of the princes, and the intrigues of the harem.²

King and the Dharma.

Kautilya appears to believe with the exponents of the Dharmas'āstra school, that the king, though the lord

1. P. 325

2. The chapters in question are—राजपुत्ररक्षणम्, अवरुद्धावरुद्धे-वृत्तिः, निशान्तप्रणिधिः, and आत्मरक्षितकम्.

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of his people, is primarily subservient to Dharma — the abstract moral Law universal and eternal that guides and regulates the relations of men. The main duty that is imposed by Dharma on his royal office, is the protection of the people. But it is secured only when the social order is kept unadulterated by obliging the members of the four divisions to perform their respective duties allotted to them by the Supreme Law. If one were to observe one's own duties in life, that act would surely lead one to heaven and eternity. [स्वधर्मः स्वर्गायानन्त्याय च¹ ।]. (this rule, it should be observed, is equally applicable to the king and his subjects). But if the king neglects to perform this duty then the world would go to rack and ruin. Thus Kaṭilya observes : तस्यातिक्रमे लोक-स्संकरादुच्छिद्येत² । " when it is violated the society would perish on account of the confusion (of duties)". Therefore, according to Kaṭilya, the royal duty or Dharma amounts to the obtainment of the stability of the social order which is tantamount to carrying out of the duty

1 P. 8. Cf. स्वर्गानन्त्याय धर्मोऽयं सर्वेषां वर्णलिङ्गिनाम् ॥

The Nitisāra of Kāmandaka. Ch. II. 33.

and also श्रेयान्स्वधर्मो विगुणः परधर्मात्स्वनुष्ठितात् ।

Gita.

2 P. 8. Cf also: अस्याभावे तु लोकोऽयं संकरान्नाशमाप्नुयात् ॥

Nitisāra II. 33.

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imposed by the Supreme Dharma. In this way implicitly Kautilya conceives the king to be equally subject to the laws of Dharma along with his people.

Education of the king.

To qualify himself for such an office which is the highest in the realm, Kautilya would require of the king-designate to be endowed with all possible moral and cultural attainments. Hence the author, at the very beginning of his work, is seen taking great pains at chalking out a regular course of training for the prince to undergo.

According to Kautilya the supreme object of the state appears to be the realisation of the threefold end of human existence on the part of its subjects. This can only be gained through the proper exercise of the authority of punishment vested in the king. "Skilful exercise," says Kautilya, "of the coercive power (danda) endowes the people with virtue, wealth and enjoyment":— सुविज्ञातप्रणीतो हि दण्डः प्रजा धर्मार्थकामैर्योजयति¹ । But it is discipline (Vinaya) that chastens the harshness of Danda which when subdued or backed up by Vinaya becomes capable of ensuring the safety and prosperity of living beings:— विनयमूलो दण्डः प्राणभृतां योगक्षेमावहः² ।

1. P. 9.

2. P. 10.

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But discipline on its part is dependent on learning (Vidyâ) [तन्मूलत्वान्विनयस्य¹] and hence a king should first of all go through a proper course of education and discipline.

In his childhood the prince shall be taught writing and arithmetic. After the *Upanayana* ceremony he shall learn the triple Vedas and the science of Logic under the guidance of well-versed teachers; the science of Economics (*Varta*) under different superintendents of government departments and the science of governance under professors and practical politicians (वक्तृप्रयोक्तृभ्यः). When a youth, the prince shall duly get himself married, and with a view to train himself more, shall always associate himself with the veterans of state-craft. But what is most important of all is that he shall practice self-control or what is called the "restraint of the organs of sense" since it is said that self-mastery is the means for the (successful) attainment of learning and discipline [विद्याविनयहेतुरिन्द्रियजयः²]. Kautilya lays very great stress on this particular aspect of a king's character when he declares:— तद्विरुद्धवृत्तिरवश्येन्द्रियश्चातुरन्तोऽपि राजा सद्यो विनश्यति. ³ " A king having his conduct quite reverse to the one who has restrained his senses, and with his

1. P. 10.

2. P. 11.

3. P. 11.

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passions uncontrolled, even though possessed of a wide Empire (reaching the four quarters—चातुरन्तोऽपि) perishes forthwith".¹

Cultivating the art of self-mastery the king, in the opinion of Chāṇakya, shall never covet women and wealth pertaining to others. He shall avoid excessive sleep, untruth and association with things harmful. He shall also keep himself away from dealings (व्यवहाराः) which involve unrighteousness and calamity. Here it should not be surmised that by emphasising self-control Kautilya teaches a life of complete abstinence for the king just after the fashion of Plato, his Greek contemporary. According to him material joys have their own place and importance in a man's life. It is the life of excessive indulgence or extreme asceticism that meets with downright condemnation at his hands. He thinks but rightly that a king or a man in general, should enjoy earthly happiness without transgressing the bounds of propriety or in other words, without jeopardising the

1. This point has been emphasised by all the law-givers and political thinkers of ancient India. Even Brahaspati, the greatest exponent of the Hedonistic school, appears to have recognised the value of continence with reference to the sovereign. According to him it seems to be the essential royal requisite. Thus he says “आत्मवान् राजा” 1.1.

Barhaspatya Arthas'astra.

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interests of Dharma and Artha. Thus he observes :—
धर्मार्थाविरोधेन कामं सेवेत । न निस्सुखस्स्यात् । समं वा त्रिवर्गमन्यो-
न्यानुबन्धम् । एको ह्यत्यासेवितो धर्मार्थकामानामात्मानमितरौ च
पीडयति¹ ।

“ A King shall never indulge in sensual enjoyment to the detriment of Dharma and Artha. He shall never be devoid of pleasure. Or he shall equally attend to the triple ends which follow each other in succession. For, if of virtue, wealth and enjoyment, any one is inordinately pursued, it will become injurious to itself and the remaining two ”. Another thing Kautilya wants to impress upon the mind of the king is the importance of exertion. “ It is exertion or industriousness ”, says he, “ which is mainly responsible for bringing in new acquisitions and prosperity to the king ” [कर्मरम्भाणां योगाराधना व्यायामः²]. Hence, the king being the chief mainstay or the vital life of the body-politic, should be always alert and energetic for otherwise according to Kautilya the whole

1. P. 12. Cf.

सेवेत विषयान्काले मुक्त्वा तत्परतां वशी ।

सुखं हि फलमर्थस्य तन्निरोधे वृथा श्रियः ॥ ४९ ॥

धर्मादर्थोऽर्थतः कामः कामात्सुखफलादेयः ।

आत्मानं हन्ति तौ हत्वा युक्त्य । यो न निषेवते ॥ ५१ ॥

Kamananda, Ch. 1.

2. P. 259.

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system would become stagnant and poisonous. He says:-
राजानमुत्तिष्ठमानमनूत्तिष्ठन्ते भृत्याः । प्रमाद्यन्तमनुप्रमाद्यन्ति । कर्मणि
चास्य भक्षयन्ति । द्विषद्भिश्चातिसंधीयते । तस्मादुत्थानमात्मनः कुर्वीत¹ ।

"If a king is industrious his subjects will also be industrious. If he is indolent, they will not only become indolent but will also hamper (Lit-eat) his projects and (thus) he will be overpowered by his enemies. Hence he shall be (always) energetic". In a later chapter therefore, while enumerating the excellences of a king,² Kautilya counts upon 'zeal' (महोत्साहः) and 'alertness'

1. P. 37, also Cf.

अनुत्थाने ध्रुवो नाशः प्राप्तस्यानागतस्य च ।
प्राप्यते फलमुत्थानाल्लभते चार्थसंपदम् ॥

P. 39.

2. The following are the chief possessions of a king, which according to Kautilya would enable him to properly perform the duties of the State :—

"Noble-birth, non-fatalistic turn of mind, valour, ability to see through the eyes of aged persons, love of virtue and truth, straightforwardness, gratefulness, comprehensiveness of outlook, enthusiasm, promptitude, resoluteness of spirit, love for discipline, sharp intellect, a strong memory and mind, a well-built stature, versatility, ability to confer rewards and inflict punishments, capability to guard against dangers, dignity, fore-sight, readiness to avail ones'self of opportunities, resourcefulness, freedom from passion, anger, greed, and such other vices; a beaming countenance, and the observance of traditional usages and customs".

PP. 257-258.

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(अदीर्घसूत्री) as the foremost qualities of a king. Thus having equipped himself with moral and cultural education the king shall discharge the following duties of the State :—

- (i) Protection of life and property of the subjects, especially of the weak against the tyranny of the strong. In fact, according to Kaṭilya as according to his predecessors, the king is primarily designed to put an end to the 'Māsthyanyāya or that condition where the weak are oppressed by the strong [Cf. बलीयानबलं हि प्रसते दण्डधराभावे । P. 9. and also Cf. मात्स्यन्यायाभिभूताः प्रजा मनुं वैव स्वतं राजानं चक्रिरे । P. 23].
- (ii) To make the people realise the three ends of worldly existence, namely, Dharma, Artha, and Kāma, by establishing them in the observance of their respective duties in life. But this is secured only when he wields the law of punishment in a reasonable manner (सुविज्ञात-प्रणीतो हि दण्डः प्रजा धर्मार्थकामैर्योजयति ।) 1. Loyalty to their duties again would lead them to a brighter existence even after death for it is said " One's own duty leads one to Heaven

1. P. 9.

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and eternity—स्वधर्मस्वर्गायानन्त्याय च. Violation of duty would entail confusion which in its train would bring in the disintegration of society. "Hence" observes Kautilya, "the king should not cause the people to swerve from their duties, for one who upholds one's own duty becomes happy here and hereafter:—

तस्मात्स्वधर्मं भूतानां राजा न व्यभिचारयेत्
स्वधर्मं संदधानो हि प्रेत्य चेह च नन्दति¹ ॥

- (iii) To deal out justice in strict conformity to the principles of equity by punishing the offenders and redressing the wrongs done to the innocent. The king is to mete out punishment to the wicked by means of Danda on which, according to Kautilya, depend the course of worldly life - तस्यामायत्तालोकयात्रा² । One ought to be strictly impartial in making a proper use of Danda which so used becomes all - powerful. Says Kautilya :—

दण्डो हि केवलो लोकं परं चेमं च रक्षति ।

राज्ञा पुत्रे च शत्रौ च यथादोषं समं दृतः³ ॥

"Danda alone, if wielded by a king with equity and in proportion to the crime committed,

1. P. 8.
2. P. 9
3. P. 150.

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equally over his son and his enemy is capable of securing this and the next world." So powerful is Dharma or justice. It not only serves to sustain the two worlds, but is also instrumental in taking the king to a brighter existence as Kauṭilya further remarks :

"The observance of the duty of the king which consists in protecting the subjects with justice, leads him to heaven" — राज्ञः स्वधर्मस्स्वर्गाय प्रजा धर्मेण रक्षितुः¹ ।

- (iv) To offer relief to the decrepit, old and the indigent. Kauṭilya seems to have regarded the king, quite in the manner of the Dharmas'āstras, as the guardian of the helpless and of orphans. And hence it is that he urges upon the king either to feed them or to provide them with work if necessary. Thus he says :—बालवृद्ध-व्याधितव्यसन्यनाथांश्च राजा विभृयात् । स्त्रियमप्रजातां प्रजातायाश्च पुत्रान् ।² "The king shall feed the (parentless) children, the aged, the distressed and the helpless. He shall also maintain the forlorn women and the children born of them". Again, it is up to the king to grant concessions

1. P. 150

2. P. 47.

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to the destitute and the wretched where necessary. (For instance, Kautilya directs the state to provide them with a free passage while crossing the rivers, lakes etc;¹ and in another place he positively enjoins upon the king to give precedence to the complaints of the afflicted and the needy along with the privileged classes, excepting such cases as demand urgency and speedy settlement)². Further-more, the king is in duty bound to help such women of some social position as are rendered helpless through adverse circumstances, and thus are compelled to work for their subsistence, by providing them with such work as is suitable to their status and strength³.

1. Cf. ब्राह्मणप्रव्रजितबालवृद्धव्याधितशासनगर्भिण्यो नावाध्यक्ष-
मुद्राभिस्तरेयुः ॥

P. 127.

2. Cf. उपस्थानगतः कार्यार्थिनामद्वारासंगं कारयेत् ।
..... तस्माद्देवताश्रमपाषण्डश्रोत्रियपशुपुण्यस्थानानां बालवृद्ध-
व्याधितव्यसन्यनाथानां स्त्रीणां च क्रमेण कार्याणि पश्येत् । कार्य-
गौरवादात्ययिकवशेन वा ।

P. 39.

3. Thus, in the chapter on 'Sutradhyaksha', Kautilya instructs the king to help such women with the work of carding and weaving. Vide p. 114.

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- (v) To promote agriculture by supplying the needs of cultivators and rendering them all sort of active assistance.¹
- (vi) To take emergency measures in times of drought and thus to save the people from its harrowing concomitants. According to Kautilya, as a precautionary measure to prevent famine, the king shall keep in reserve half of the stock of royal food-stuff gathered either from the crown lands or the taxes (Cf. ततोऽर्धमापदर्थं जान-पदानां स्थापयेत् P. 95)².

1 Vide the chapter on 'Janapadanives'a' where the king is advised to help the peasants by offering them the remission of taxes and providing them with grain and cattle.

2. To alleviate the intensity of famines the king, is to act as follows:— "During dearth he may oblige (the people) by bestowing seeds and corns or by providing them with famine-relief-work; or may either dole out or distribute (the royal food-stuffs), or may send them away to another part (of his kingdom?). He may seek the assistance of his allies or emasculate the rich or tap their hoardings. Or he may migrate with all his subjects to another's district which has yielded good crops or may take resort either to the sea-shore or to the banks of the lakes or rivers. He may introduce a fresh plantation of corns, vegetables, roots, and fruits in the irrigated areas or may undertake the hunting of deer, beasts, wild animals, and the fish".

P. 208.

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Besides these regular duties, the king is called upon to maintain and encourage the S'rotriyas, Brāhmaṇas, and the students in their religious pursuits.

From the views of Kauṭilya on regal duties as given above, it seems that he primarily looks upon the king as the guardian of his subjects. He appears to conceive of the essence of royal duties as comprising in the protective and disciplinary measures to be taken for the solidarity and progress of the community committed to his care, by offering all possible opportunities to its individuals for the attainment of the three 'Purushārthas'.

ROYAL SOVEREIGNTY.

We shall discuss the scope and nature of the powers of the Kauṭīliyan sovereign under the following three headings :—

- (a) King and the functionaries of the state.
- (b) State monopoly of forests, mines, wine, and salt.
- (c) King and the people.

(a) *King and the functionaries of the state* :— The sovereign, according to Kauṭilya, is the embodiment of all authority. The various dignitaries of the state like the ministers, the councillors, the commander-in-chief etc. are but the deputies of the king created and authorised by his will to carry on the administrative activities of

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his kingdom. In the opinion of Kautilya, the king makes their appointment only with a view to facilitate the governance of his state since it is humanly impossible for a single individual, however strong and intelligent, to regulate and guide the entire social organisation on proper lines. Thus, while inculcating the necessity and desirability of having councillors to subserve royalty Kautilya tersely remarks :—

सहायसाध्यं राजत्वं चक्रमेकं न वर्तते ।

कुर्वति सचिवांस्तस्मात्तेषां च शृणुयान्मतम् ॥¹

“ Sovereignty is practicable (only) with the co-operation (of others), for a single wheel by itself cannot revolve. Hence one shall appoint counsellors and listen to their advice ”. Here the appointment of these officials is king's voluntary business and thus a matter of pure expediency. Again, while determining the ministerial sphere of action we find Kautilya saying :—

प्रत्यक्षपरोक्षानुमेया हि राजवृत्तिः । स्वयं दृष्टं प्रत्यक्षम्, परोपदिष्टं परोक्षम् ।
कर्मसु कृतेनाकृतावेक्षणमनुमेयम् । अयौगपद्यात्तु कर्मणामनेकत्वादेनेकस्थ
त्वाच्च देशकालात्ययो मा भूदिति परोक्षममात्यैः कारयेदित्यमात्यकर्म² ।

“ Royal work is either visible, invisible or inferential. What is perceived personally is visible, what is specified by others is invisible, and what is planned after the

1. P. 13.

2. P. 15.

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accomplishment of some work, is inferential. In view of the fact that works are not found to arise simultaneously, are of diverse nature and pertain to several places, and also in view of the fact that the king may not lose proper time and place (in their accomplishment), he shall allow the ministers to accomplish them in his absence. Such is the nature of the work of ministers." Here also Kautilya thinks that the appointment of the ministers is to be made only with a view to lessen the burden of the king in the discharge of his duties towards the state. In virtue of this peculiar relation with their king, the government officers in the Arthas'āstra are strictly directed to take the permission of their supreme head, the monarch, in undertaking any new enterprise. Thus, in the chapter on '*Upayuktapariksha*' Kautilya specifically instructs the high officers not to do any work without consulting the sovereign. He says : न चानिवेद्य भर्तुः किञ्चिदारम्भं कुर्युरन्यत्रापत्प्रतीकारेभ्यः ।¹ " Except on occasions of emergency and defence they (i. e. the officers) shall not contemplate any project without communicating it to the Lord". Again, though the king is morally obliged to hold deliberations with his counsellors, yet he is in no way legally bound to abide by the decision of the majority. He is free to exercise his own judgment

1. P. 68.

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and discretion. In the chapter on ' Mantrādhikāra ' Kautilya observes :—

आत्ययिके कार्ये मंत्रिणो मंत्रिपरिषदं चाहूय ब्रूयात् ।
तत्र यद्भूयिष्ठाः कार्यसिद्धिकरं वा ब्रूयुस्तत्कुर्यात्¹ ।

" In critical moments the king shall summon his ministers individually and collectively and deliberate (with them). He shall either act up to the decision of the majority or to that (of other ministers) which (in the opinion of the king) appears to bring success ".² Here it is evident that according to the Arthas'āstra, there is no legal obligation on the king to act according to the mandate of the council. This proves that the " Consultative Body " as it appears in the Arthas'āstra, is subservient to the king and is practically in-effective in checking the irresponsible exercise of sovereign power.

1. P. 29.

2. We agree with Bandopadhyaya when he comments on the passage quoted above : " the force of the words यद्भूयिष्ठा ब्रूयुः is taken away by the other expression कार्यसिद्धिकरं वा and proves that, though morally liable to follow the opinion of the majority, it was left to the king to select the course which was best calculated to bring success ".

Kautilya. P. 128.

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Further-more, the prime-minister,¹ the highest dignitary of the state and probably the leader of the Mantrins, along with his colleagues, is no more than a royal servant, selected and appointed by the king and holding his office during 'royal pleasure'. From the Arthas'āstra

1. In the Kautiliya the prime-minister is referred to both as a Mantrin and as an Amatya. Cf :

(a) मंत्रिपुरोहितसखः..... अमात्यानुपधाभिश्शोचयेत् । P. 16

(b) ऋत्विगाचार्यमन्त्रिपुरोहितसेनापति युवराज etc. P. 247

(c) मंत्रिपुरोहितादि भृत्यवर्ग राजैव करोति । P. 322

Amatya:- (a) जानपदोऽभिजातः वैराणामकर्तेत्यमात्य-सम्पत् । P. 15

[this passage occurs in the chapter on the 'creation (of the posts) of the Mantrin and the Purohita' where after mentioning the requisites of the Amatya, Kautilya enumerates the qualities of the Purohita without making any reference to the Mantrin. This shows that he uses both the terms in the same sense].

(b) राजव्यसनमेवममात्यः प्रतिकुर्वीत । P. 254.

(c) एवमेकैश्वर्यममात्यः कारयेदिति कौटिल्यः । P. 255.

The synonymous use of these two terms in the Arthasastra to denote the same personage probably shows that at the time of Kautilya the prime-minister was the joint head of the Mantrins or what Dr. Banerjee calls "the cabinet", and the Amatyas or the chief executive officers who were in charge of manifold departments of the state. To our mind the last three chapters in the 5th book of the text seem to be exclusively designed by Kautilya for directing the prime-minister in the proper performance of his duties.

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he appears more as a courtier seeking the favour of the king and following him unreservedly than as a custodian of public rights¹. In the course of his advice to the prime-minister concerning his behaviour towards the sovereign, Kautilya remarks, quite in the tone of Manu:—

आत्मरक्षा हि सततं पूर्वं कार्या विजानता ।
अग्नाविव हि संप्रोक्ता वृत्ती राजोपजीविनां ॥
एकदेशं देहेदग्निः शरीरं वा परं गतः ।
सपुत्रदारं राजा तु घातयेद्वर्धयेत वा² ॥

“Self-protection shall be the first and constant duty of the wise, for it is aptly said that the life of men in royal service is as (dangerous) as that in fire. Fire when aflame, consumes either a part or the whole of the body, whereas the king has the power either to destroy or to exalt his servants along with their sons and wives”. These verses unmistakably point out how in the opinion of Kautilya, the position of the prime-minister, the highest officer of the state and the head of the administration, next to the king himself, entirely depends on the sweet will of the monarch.

1. Cf. for instance such verses which are presumably addressed to the Mantrin :—

पृष्टः प्रियहितं ब्रूयान्न ब्रूयादहितं प्रियम् ।
अप्रियं या हितं ब्रूयाच्छृण्वतोऽनुमतो यथा ॥
तूष्णीं वा प्रतिवाक्ये स्यात् द्वेष्यादींश्च न वर्णयेत् ।
अप्रिया अपि दक्ष्यास्स्युः तद्भावाद्ये बहिष्कृताः ॥

P. 251.

2. P. 251. Cf. अग्निवद्राजानमाश्रयेत् Chanakya-sutrani.

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(b) *State monopoly of forests, mines, wine and salt:-*
The king of the Arthas'āstra claims as his own the waste-lands, forests, mines, and liquor. From the chapter on 'The Colonisation of wastelands' (*Janapadanivesha*) it is clear that the king exercises his right of ownership as regards the wastelands. Forests which appear to have been common property in the days of the Dharmas'āstras are found in the Arthas'āstra appropriated to the share of the king. These are under the jurisdiction of royal officers called '*Dravyavanapalas*'. Not only the raw produce, but even wild animals such as deer (*Mriga*), ferocious beasts (*Vyala*), elephants, etc. are claimed as belonging to the king. Valuable games, especially the elephants, are most jealously guarded by promulgating stringent game-laws¹ which bear a close resemblance to those enforced by the Normans in England. Mines in the state, which in the opinion of Kautilya are mainly responsible for bringing in new acquisitions² and con-

1. Cf. (a) मृगद्रव्यवनापहारे शस्यो दण्डः ।

(b) हस्तिघातिनं हन्युः । P. 50.

(c) विवीतक्षेत्रखलवेश्मद्रव्यहस्तिवनदीपिकममिनादाहयेत् ।
P. 230.

2. Cf. आकरप्रभवः कोशः कोशादण्डः प्रजायते ।

पृथिवी कोशदण्डाभ्यां प्राप्यते कोशभूषणा ॥ P. 85

“Wealth has its source in mines; and from wealth army is created; it is by means of wealth and army that the earth endowed with riches, is acquired”.

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solidating the sovereignty of the king, are also seized upon as government property. Accordingly the mining operations are carried on under the supervision of a royal officer called the '*Akaradhyaksha*' and are strictly guarded.¹ The Kautilian king does not confine his attention to these mines which yield precious minerals such as corals, jewels, gold, silver and other useful metals. He also controls and exploits the mines yielding salt and alkalies — the articles of daily consumption. The salt-mines are under the direct supervision of a superintendent specially created for that purpose. To add to this there is that now odious 'Salt-act' at work which enjoins the people to pay a certain amount of tax and prescribes the highest punishment to those persons who live on 'unlicensed' salt.² Liquor, in the *Arthasāstra* is also a royal monopoly. Accordingly it is manufactured, sold and distributed through out the state under the supervision of the '*Suradhyaksha*' or the superintendent of Liquors. Only on festive occasions people are allowed to manufacture wine for a stipulated period and that also on the payment of a definite tax Cf.

1. For instance, a person who steals a jewel or any valuable article either from mines or royal manufacturies is punished with death. Cf. खनिसारकर्मान्तेभ्यस्सारं रत्नं वापहरतः शुद्धवधः ॥

P. 222

2. विलवणमुत्तमं दण्डं दद्यात् ; अनिसृष्टोपजीवी च
... .. अतोऽन्यो लवणक्षारवर्गः शुल्कं दद्यात् ॥ P. 85.

उत्सवसमाजयात्रासु चतुरद्वः सौरिको देयः । तेष्वनुज्ञातानां
प्रद्वणान्तं दैवसिकमत्ययं गृण्हीयात् ।

"On occasions of festivals, fairs, and social gatherings permission shall be granted to manufacture wine for four days. He shall take the daily tax from those persons who are allowed to manufacture liquor, until the period is over".

From the above it can be seen that the king of the Kautilian state exclusively reserves for himself almost all the natural resources of his kingdom.

(c) *King and the people.*

This we shall discuss under the following four headings :—

- (i) Civil Liberty.
- (ii) Right of taxation.
- (iii) Right to enforce the public will.
- (iv) Right of defence and offence.

(i) **Civil liberty** :— Here we take the opportunity of explaining this term once for all. Civil liberty or 'Liberty in society', is the right to do as one pleases while encroaching least on the wishes of others. "It includes", as Gettel says, "right to free action and immunity from interference." The State safeguards the

1. P. 121.

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rights of an individual by protecting him (a) against other individuals and (b) against the government or its executive organ. Against his fellow – individuals the individual is protected by the government, and against the government protection is afforded to him directly by the State. In the former case, it is the government which becomes the judge, whereas in the latter that role is assumed by the State itself.

Now as regards the State of the Arthas'āstra, it fully takes cognizance of the first part of civil liberty and as such makes every legal provision to safe-guard the life and property of the citizen against the encroachments of his other fellow-citizens. This point we shall illustrate by taking a few examples:—

PROTECTION OF PERSON.

Against defamation (वाक्यारुष्यम्):— सत्यमिथ्यास्तुति-
निन्दासु द्वादशपणोत्तरा दण्डास्तुल्येषु । विशिष्टेषु द्विगुणः । हानेष्वा-
दण्डाः । परस्त्रीषु द्विगुणः¹ ।

“Indulgence in praise or censure of equals, whether it be true or false, shall be punished with a fine ranging over twelve paṇas. Of superiors, with double the fine and of inferiors with half the fine. Of others' wives with double the fine.”

1. P. 193.

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Against assault:— शस्त्रेण प्रहरत उत्तमो दण्डः मदेन हस्तवधः। वधे वधः¹ ।

“ When a person injures (another person) by means of a weapon he shall be punished with the highest amercement. If he acts so under intoxication his hands will be cut off, If he murders him he shall be hanged.”

Against attempt on life :—

विषदायकं पुरुषं स्त्रियं पुरुषघ्नीमपः प्रवेशयेत्² ।

“ A man who administers poison (to others), and a woman who murders a man shall (both) be drowned”.

PROTECTION OF PROPERTY.

- (i) प्रसह्यादाने वास्तुनि स्तेयदण्डः । कारणादाने प्रयासमाजीवं परिसङ्ख्याय बन्धं दद्यात् । मर्यादाप्रहरणे पूर्वः साहसदण्डः । मर्यादाभेदे चतुर्विंशतिपणो दण्डः³ ।

“ Occupation of a building-site by force shall be punished as theft. If taken possession of by another on reasonable grounds he shall pay a compensation (to its owner), after considering his bare subsistence (प्रयासमाजीवं). Encroachment upon boundaries shall be punished with

1. P. 224.

2. P. 230.

3. P. 169.

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the first amercement. Destruction of boundaries with a fine of twenty-four panas ”.

- (ii) सेतुकूपपुण्यस्थानचैत्यदेवतायतनानि च परभूमौ निवेशयतः
... .. मध्यमस्साहसदण्डः¹ ।

“Constructing lakes, wells, holy places, monasteries and temples in a site pertaining to another person, shall be punished with the middle amercement. ”

- (iii) कन्यादोषमौपशायिकमनाख्याय प्रयच्छतः कन्यां षण्णवति-
र्दण्डः । शुल्कस्त्रीधनप्रतिदानं च । वरयितुर्वा वरदोषमना-
ख्याय द्विगुणः । शुल्कस्त्रीधननाशश्च² ।

“ A person giving his daughter in marriage without announcing her (guilt of) having an illegal connection with another man, shall be liable to the fine of 96 panas and also shall be made to restore the *S'ulka* and *Stridhana*. A person receiving a girl in marriage without divulging the defects of a bride-groom shall have to suffer a fine of double the above and also the forfeiture of *S'ulka* and *Stridhana*.

AGAINST THE LIBERTY OF A PERSON.

- (i) पुरुषमबन्धनीयं बध्नतो बन्धयतो वा
... .. बालमप्राप्तव्यवहारं बध्नतो
बन्धयतो वा सहस्रदण्डः³ ।

1. P. 170.
2. P. 188.
3. P. 199.

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"When a person keeps or causes to keep another person in bondage who has no reason to be so treated, or keeps or causes to keep in confinement a boy who has not attained majority, he shall be punished with the fine of 1000 Paṇas".

(ii) उदरदासवर्जमार्यप्राणमप्राप्तव्यवहारं शूद्रं विक्रयाधानं नयतस्स्व-
जनस्य द्वादशपणो दण्डः । वैश्यं द्विगुणः । ब्राह्मणं चतुर्गुणः ।
परजनस्य पूर्वमध्यमोत्तमवधाः केतुश्रोतृणां च¹ ।

"The kinsmen, who bring for sale or mortgage, the life of a S'ūdra who is an Ārya (A free man), and not a born slave, and who is (yet) a minor, shall be fined 12 Paṇas; of a Vais'ya, 24 Paṇas; of a Kshatriya 36 Paṇas; and of a Brâhmaṇa, 48 Paṇas. In the event of strangers doing so, they shall be punished with the three amercements and capital punishment (respectively). The purchasers and the witnesses (in the bargain) shall also be punished likewise".

Protection against the government officials.

Beside making such legal provisions to safe-guard the rights and privileges of a citizen, against the aggression of his fellow-citizen, the state of the Arthas astra takes due care to grant him immunity from the oppressions of the bureaucracy. Kautilya specially instructs the

1. P. 181.

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king to keep a strict watch over the high officials of the state with a view to prevent misbehaviour on their part in the discharge of their duties.¹ "For", he says with a true insight of a philosopher into human nature, "men, like horses, when yoked to the office, are apt to go astray" — अश्वसधर्माणो हि मनुष्या वियुक्ता कर्मसु विकुर्वते² । He, therefore, issues several regulations in order to check or suppress the evil propensities of the officers. These regulations prescribe various sorts of punishments to be meted out to them.

They are prosecuted for the offences committed against the public by promulgating such laws or regulations as we give below : —

- (i) यस्समुदयं द्विगुणमुद्भावयति स जनपदं भक्षयति³ ।
स चेद्राजार्थमुपनयत्यत्पापराधे वारयितव्यः ।
महति यथापराधं दण्डयितव्यः⁴ ।

"Whoever doubles the revenue consumes the country. If he brings in the same for the sake of the king, he shall be warned, in case the offence is not serious, if it is of a graver character he shall be punished in proportion to the guilt".

1. कर्मसु चैषां नित्यं परीक्षां कारयेत् चित्तानित्यत्वात् मनुष्याणाम् ।
P. 68.

2. P. 68.

3. Cf. यथान्नकर्शनात्प्राणाः क्षीयन्ते सर्वदेहिनाम् ।

तथा कोशाः नरेन्द्राणां क्षीयन्ते राष्ट्रकर्शनात् ॥

Quoted by G. Shastri.

4. P. 68.

(ii) ग्रामिकस्य ग्रामादस्तेनपारदारं निरस्यतश्चतुर्विंशतिपणो दण्डः¹ ।

“ When a village-headman drives out of the village a person who is neither a burglar nor an adulterer, he shall be punished with a fine of 24 Panas ”.

(iii) धर्मस्थश्चेद्विवदमानं पुरुषं तर्जयति, भर्त्सयत्यपसारयत्यभि-
ग्रसते वा, पूर्वमस्मै साहसदण्डं कुर्यात् । वाक्पारुष्ये द्विगुणम् ।
पृच्छयं न पृच्छति, पृष्ट्वा वा विसृजति, शिक्षयति, स्मारयति,
पूर्वं ददाति वेति मध्यमस्मै साहसदण्डं कुर्यात् । देयं देशं न
पृच्छति, अदेयं देशं पृच्छति, कार्यमदेशेनातिवाहयति,
छलेनातिहरति, कालहरणेन श्रान्तमपवाहयति, मार्गापन्नं
वाक्यमुत्क्रमयति, मतिसहायं साक्षिभ्यो ददाति, कारितानु-
शिष्टं कार्यं पुनरपि गृह्णाति, उत्तमस्मै साहसदण्डं कुर्यात् ।
पुनरपराधे द्विगुणं, स्थानाद्यवरोपणं च² ।

“ If a judge, threatens or chides, or drives out or (unjustly) silences a litigant, he shall be punished with the first amercement. If he defames the litigant he (i. e. the judge) shall be punished with a fine of double the amount. If he does not question what ought to be questioned, or questions what ought not to be questioned, or (even) having questioned passes it over, or instructs, reminds or intimates any litigant beforehand, he shall be

1. P. 172.

2. PP. 224-225.

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liable to the middle amercement. If he does not proceed to make relevant inquiries, or proceeds to make irrelevant inquiries, drags off the business unnecessarily, or postpones it with malice, or having spent much of time, makes the litigant leave (the court) with disgust, or (purposely) avoids or overlooks a relevant statement (मार्गपन्नं वाक्यं), or lends (personal) assistance to the witnesses, or resumes the case which has already been decided, he shall be punished with the highest amercement. If he repeats the same, he shall be doubly fined and dismissed forthwith ”.

Such are the measures which the government of Kaṭilya adopts in protecting and maintaining the civil rights of its citizens both against the encroachment of individuals and the administrative officers. The latter are subjected to punishment not as the representatives of the king but as ordinary individuals of the State.

As regards the other part of civil liberty which consists in granting immunity against government and which constitutes civil liberty proper, it is not recognised and hence not maintained by the state of Kaṭilya. Any action against government is construed as an offence against the king and hence it is not tolerated in the least. Any person, whose interests come into conflict with those of the king is regarded as seditious and as such is either deprived of his most rudimentary

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civil rights¹ or even of his life by promulgating the law of treason which operates with great rigour and whose provisions we give below:—

(i) राजक्रोशकमंत्रभेदकयोः जिह्वामुत्पाटयेत्² ।

“ Persons crying down the king or divulging the secret of the state shall have their tongue cut off. ”

(ii) राज्यकामुकमन्तःपुरप्रघर्षकमटव्यमित्रोत्साहकं दुर्गराष्ट्रदण्ड-
कोपकं वा शिरोहस्तप्रादीपिकं घातयेत् । ब्राम्हणं तमपः
प्रवेशयेत्³ ।

1. This will be evident from the following verse:—

नीचत्वं परदेशं वा प्रस्थितो राजकिल्बिषी ।

प्राणाभिहन्ता पतितस्त्याजः क्लीबोऽपि वा पतिः ॥

P. 154.

“ A wife may divorce her husband, who has degraded himself or has gone abroad, or has become a traitor to the king or is a murderer or has fallen from caste or has lost all his virility. ”

Even a woman is made to forfeit her right to *Stridhana* and her marital presents:—

Cf. राजद्विष्टातिचाराभ्यामात्मापक्रमणेन च । स्त्रीधनानीतशुल्का-

नामस्वाम्यं जायते द्वियः । P. 157.

2. P. 230.

3. P. 229.

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“ A person coveting the royal domains, outraging the sanctity of the harem, instigating the wild tribes (against the king), creating disaffection in the army of the metropolis or of the mofussil, shall be killed by burning his head and hands; a Brāhmaṇa (offender) shall be drowned unto death.¹

In prescribing this law, it will be noticed, Kauṭilya often contradicts the maxim that punishment should be always inflicted in proportion to the actual crime committed (पुरुषापराधविशेषेण दण्डविशेषः कार्यः ।) — a maxim which is enunciated by himself. It is rather inequitable to punish the persons slandering the king with the mutilations of the tongue. The mode of executing persons who are accused of carrying on an undesirable propaganda against the royal person either in his own realm or outside is simply repugnant and as such it seems to outrun in barbarity the actual crime committed. But the prescription of such stringent laws is the direct outcome of Kauṭilya's abhorrence for sedition. When he once suspects any person to be conspiring against the king he looks upon him as an outlaw only deserving to be put down by any means. In eradicating seditious

1. This law of treason, as Bandopadhyaya points out, bears a very close resemblance to the one promulgated by the Plantagenets in England.

See P 83. Kauṭilya.

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persons he employs such methods as are entirely dissociated from all standards of morality. To quote but one example :— The prince, according to Kautilya, is to adopt the following device to make away with a powerful traitor :—

दूष्यमहामात्रपुत्रमात्मसंभावितं वा सत्री—“राजपुत्रस्त्वं शत्रुभयादि-
हन्यस्तोऽसि” इत्युपजयेत् । प्रतिपन्नं राजा रहसि पूजयेत्—“प्राप्तयौव-
राज्यकालं त्वां महामात्रभयान्नाभिषिचामि” इति । तं सत्री महामात्र-
वधे योजनयेत् । विक्रान्तं तत्रैव घातयेत् । “पितृघातकोऽयं” इति¹ ।

“A spy may whisper into the ear of a seditious minister's son who thinks highly of himself — ‘you are the son of the king but are kept here out of fear from the enemies’. When won over, the king may honour him in secret saying ‘Though you have attained the proper age I cannot install you as my heir-apparent since I apprehend danger from the minister.’ Then the spy may instigate him to murder the minister. When he succeeds the former may kill him on the spot on the plea of his being a murderer of his own father.” He maintains the same attitude towards the external enemies of the king. He thinks that any ruler who opposes the conqueror (*Vijigishu*) in his attempt to extend his dominions, is to be regarded as an enemy and to be crushed at all costs². Accordingly he recommends

1. P. 238.

2. Kautilya's idea of an external enemy is based on the principle of expediency for, he defines the enemy as :—
अरिसंपद्युक्तः सामन्तः शत्रुः । P. 260. [for अरिसंपत् see
अराजबीजी etc. on P. 259.]

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to his 'political man' the adoption of deceitful and immoral methods for the successful putting down of his foes. Such devices have been abundantly described in the last four books¹ of the Arthas'āstra. The employment of dishonesty, cruelty, violence and many other vices for the destruction of enemies of the State, receives, in the opinion of Kauṭilya, general approbation. When he specifically admonishes the king that such measures ought to be taken only against traitors and the wicked and not against others (एवं दूष्येवधार्मिकेषु च वर्तेत । नेतरेषु)², he implicitly thinks that no expedient, however isolated from moral or ethical consideration, can be deemed dishonourable while dealing with the enemy. Hence it is that he entertains no scruples in advising the conqueror to overcome his enemies by using such methods wherein moral judgments are wholly subordinated to the exigencies of "political existence and welfare." This Kauṭīliyan philosophy of expediency is awfully frank and in a way straightforward. All his dealings with the enemy proceed from the conviction that he is a veritable viper and as such fit to be annihilated by using unscrupulous machinations. This is the real psychology of the author

1. संधवृत्तम्, आवलीयसम्, दुर्गलम्भोपायः, and औपनिषदिकम् ।

2. P. 246. Cf. also चातुर्वर्ण्यरक्षार्थमौपनिषदिकमधर्मिष्ठेषु प्रयुंजीत ।

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of the Arthas'āstra which has been but grossly misrepresented or ridiculed by great Sanskrit writers like Bāṇa and Daṇḍin that followed him centuries afterwards. To be brief, like Machiavelli, Kauṭilya 'is not immoral but unmoral in his politics'.¹

The State of Kauṭilya does not provide any safeguard against government-encroachment because it is strictly a monarchical state, where, as has been shown in the earlier part of the essay, the king both represents the government and the State. His will is the "general will" and consequently he is absolute in authority over all individuals or associations of individuals within the State. As an absolute sovereign nobody can claim any right against him which ultimately means that he gives his subjects no guarantee against interference on his part. Thus like the Dharmas'āstras, the Arthas'āstra of Kauṭilya does not take cognizance of 'civil liberty' in the real sense of the term.

(ii) **Right of taxation** :—The financial system of the Kauṭilyian government as it appears in the Arthas'āstra, is decidedly of an advanced type. As compared with the earlier tax-system which is found in the Dharmas'āstras, the one of Kauṭilya is heavier and more complex

1. Political Theories — Ancient & Medieval. P. 229.

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and as such is the index of an advanced stage of civilization and consequent increase in the duties of State.

In early days the burden of taxation was very light. "Peasants", says Gautama, the earliest known law-giver of India, "shall pay to the king a tax of one tenth, one-eighth or one-sixth (of the produce). Some hold that (a tax of) one-fifteenth (shall be paid) on cattle and gold. A duty of one-twentieth shall be paid on merchandise and in the case of roots, fruits, flowers, medicines, herbs, honey, meat, grass, and fire-wood the tax (to be paid) shall be one-sixteenth":—

राज्ञो बलिदानं कर्षकैर्दशममष्टमं षष्ठं वा । पशुहिरण्ययोरप्येके
षष्ठांशद्भागः । विंशतिभागः शुल्कः पण्ये । मूलफलपुष्पौषधमधुतृणे-
न्धनानां षष्ठः¹ ।

In the days of Manu taxation appears to be comparatively burdensome as the rates are appreciably higher and items of taxation numerous. Thus says Manu:—
"Of gold and cattle the king may take one-fifteenth, and of grains one-eighth, one-sixth or one twelfth part (as tax.) He may also take a sixth part of trees, meat, money, clarified butter, perfumes, medicinal herbs, liquids (oil etc.), flowers, roots, fruits; of leaves, vegetables, grass, skins (of animals), canes, and also of earthen vessels, and of articles made of stones."²

1. X. 24-27.

2. VII, 130-132.

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The financial system that is detailed in the Arthas'āstra marks a distinct advance over this simple system of taxation which we find in the Dharmas'āstra literature. We proceed to describe it below.

The following are the chief sources from which the state of Kautilya derives its income :— (i) Capital, (ii) countryside, (iii) mines, (iv) public works, (v) forests, and (vi) pastures.

The income which flows forth from the capital to the royal treasury consists of excise duties levied on articles of local production like liquor, oils, cotton-goods etc; taxes on courtezans, artisans, warehouses (*Panya samstha*), and places of pilgrimage (probably this was the duty of the *Devatadhyaksha* mentioned here), and tolls collected on city-gates (*Sulkam*); the revenue from the country consists of land assessments of various descriptions, ferry dues and road cesses. The assets derived from the mines are chiefly the precious metals and their other yields. The receipts of public works are flowers, fruits, and vegetables grown in the state-gardens, and those from forests consist of the sale of the forest-produce (*Dravya*), of elephants, and other animals and the proceeds from forest lands which are leased out to private individuals. The income derived from pastures consists of grazing fees levied on cattle and lastly, that collected from trade-routes is by levies on landroutes

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and water-ways. There are other minor heads of taxation *i. e.* those levied on loads and beasts of burden by frontier officers and also on the issue of passports. In addition to these regular taxes, there are occasional imposts levied on particular occasions also. These doubtless, are imposed on the people to meet the growing needs of an imperial state. They are *Senabhaktam*—contributions levied for the subsistence of the army (probably these taxes were levied in war times only). *Utsanga*—this is a tax paid on the occasion of the birth of a prince Dr. P. Banerjee rightly describes these taxes as 'forced benevolences.' *Parshva*—royalties. *Aupa-yanika*—taxes in the form of presentations to be made to the king.¹

As regards the rates of taxation : the land assessment is the traditional one-sixth of the produce which in extra-ordinary times usually is raised to one-fourth or one-third. (*Cf.* जनपदं महान्तमल्पप्रमाणं वा देवमातृकं धान्यस्यांशं तृतीयं चतुर्थं वा याचेत्² 1). Besides these, there are other kinds of taxes on lands such as *Bali*, *Pindakara*, *Kara* etc. but the exact import of these terms is not as yet definitely established. As to the scale of duties on commodities we give the following table :—

1. P. 94.

2. P. 243 अदेवमातृकं would be a better reading.

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1/6th — on fruits, flowers, grains, meat and fish¹.
1/15th or 1/10th — on linen goods, cotton-fabric
mercury, metal, sandlewood etc.²

1/25th to 1/10th—on clothes, cotton, medicine,
firewood, bamboos, skins, clay-pots, oils, wine, salt etc.³

In connection with merchandise it is to be pointed out that taxes are levied even on their sale and hence the sale of any commodity at the place of its production is strictly prohibited under penalty of law :—

जातिभूमिषु च पण्यानामविक्रयः।

खनिभ्यो धातुपण्यादानेषु षट्छतमत्ययः। etc. ⁴

" Articles shall not be sold at the place of their production. A person purchasing any minerals or salable articles at the production-centres shall be fined 600 Panas." All the commodities, therefore, are taken to the market and put for sale in the presence of royal officers who charge due taxes (S'ulkam) thereon.⁵ The tax on all sales is 1/16, if measurable by a cubical standard, 1/20, if weighed and 1/10, if counted.⁶ Thus,

1 P. 112.

2. P. 112.

3. P. 113.

4. P. 113.

5. See pp. 109-111.

6. षोडशभागो मानव्याजी । विंशतिभागस्तुलामानम् ।
गण्यपण्यानामेकादशभागः ।

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in its zeal as it were for amassing wealth, the state of Kautilya exhausts every possible source of taxation. "No inconceivable resource," as Prof. S.K. Sarkar, rightly remarks, "has been untapped by the Mauryan empire".

This heavy and complex system of taxation which obtains in the state in question obviously shows that the king never consults his people whether in creating or enhancing the sources of taxation. There is no machinery like a popular assembly of today, through which he could manage to consult the public in shaping his fiscal policy. In fact, according to Kautilya, the people are to pay straight-way such taxes as are demanded of them by the king. Those who fail or avoid the proper payment of the imposts levied by the State, are in his opinion, liable to punishments of varying severity. This will be clear from the following instances :—

(i) समाहर्तृपुरुषा ग्रीष्मे कर्षकाणामुद्वापं कारयेयुः ।

प्रमादापन्नस्यात्ययं द्विगुणमुदाहरन्तो बीजकाले बीजलेख्यं कुर्युः।

निष्पन्ने हरितपक्वादानं वारयेयुः ।.....

स्वस्यापाहारेणः प्रतिपातोऽष्टगुणः ।

परसस्यापहारिणः पञ्चाशद्गुणः सीतात्ययः ।

स्ववर्गस्य बाह्यस्य तु वधः¹ ।

1. P. 242.

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"The subordinates of the collector-general may force peasants to raise the summer crops. Declaring that any injury to the crops through negligence (on the part of the cultivators), would entail the fine of double the amount (of the total price of the crops), they shall make entries of (the quantity of seeds-बीजलेख्यं) sown in the sowing season. When crops are ripe, they (i. e. the royal officers) shall prevent them (the cultivators) from removing the standing crop..... Who-soever takes away his own grain shall pay a fine eight times the quantity of grain removed; and whoever steals the corn belonging to another person shall be liable to a fine 50 times the quantity stolen and provided the robber belongs to the same community; if he is an outsider he shall be put to death."

(ii) चतुर्थमंशं धान्यानां च गृह्णीयुः । दन्ताजिनस्या-
र्धम् । अनिसृष्टविक्रीणानस्य पूर्वस्साहसदण्डः¹ ।

"(The officers) shall take one-fourth share of grains. They shall also exact one-half of ivory and skins of animals and punish with the first amercement those who trade in these commodities without obtaining the required licence from the State."

But this does not mean that Kautilya favours the collection of arbitrary exactions on the part of the king.

1. P. 243.

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On the other hand, he advises him to prevent his deputies from indulging in the economic tyranny of the people. He says:—

यस्समुदयं द्विगुणमुद्धावयति स जनपदं भक्षयति । स चेद्राजार्थ-
मुपनयस्सल्पापराधे वारयितव्योः महति यथापराधं दण्डयितव्य ।¹

"An officer who collects double the usual amount of revenue eats into the vitality of the people. If he brings in the exactions for the king, he may be pardoned provided his offence is slight, if grave, he may be fined in proportion to his guilt." In another place, he asks the king to protect the agriculturists from oppressive fines and taxations.² Again, he admonishes the sovereign to raise the emergency taxes (*Pranayah*) only once and never twice. [सकृदेव न द्विः प्रयोज्यः³.] According to him taxes should be imposed in proportion to the paying ability of the people so that they should not feel their pressure. This principle he enunciates in a very striking manner. He says:—

पक्वं पक्वमिवारामात्फलं राज्यादवाप्नुयात् ।
आमच्छेदभयादामं वर्जयेत्कोपकारकम्⁴ ॥

1. P. 63.

2. दण्डविष्टिकराबाधैः etc. P. 48.

3. P. 243.

4. P. 246.

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"Just as fruits are gathered from a garden whenever they become ripe, in the same way revenue shall be collected from the people whenever it becomes ripe. Collection of revenue or of fruits, when unripe, shall never be carried on, lest their source may be injured, causing immense trouble". It is significant to note in connection with this verse that it is purely based on the presumption that the right of taxation is solely vested in the king and the king alone.

Thus though the citizens of the Kautilian State have no voice in the formation of rules pertaining to taxation, still the king is expected to save them from being unduly exploited.

(iii) **Right to enforce the public will:**—Being a strong and centralised government, (as is evident from the description in the Arthas'āstra of a complicated and elaborate system of its administration), the Kautilian State never takes cognizance of the right of its citizens of direct or indirect participation in the management of the affairs of the State. All authority issues forth from the king and it is in his name that the whole administration is conducted by an 'all-engrossing' bureaucracy. The king and his council (*Mantriparis'at*), which, it will be recalled, does not in any way represent the public, are the final authority in all matters concerning the State. Both the capital and the countryside (*Janapada*) are

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directly controlled by the king and practically no scope is left for the people to exercise any political rights. As to the capital it is under the control of the Nāgaraka or the City Superintendent who, in his zeal for Democracy, has been wrongly termed as 'Mayor' by Prof. B. K. Sarkar.¹ Under him are four *Sthanikas* or Divisional officers, each of whom is in charge of a quarter of the city. Under these officers, there are several *Gopas* or Sub-divisional officers whose duty it is to look to the affairs of families in groups of ten or twenty or forty which are allotted to them separately. [समाहर्तृव-
न्नागरको नगरं चिन्तयेत् । दशकुलीगोपो विंशतिकुली चत्वारिंशत्कुली
वा² ।].

The chief duty of the town officials is to see that traders and law-avoiding citizens are undisturbed in their respective pursuits. They have to provide medical aid to the suffering, and keep watch on strangers either coming in or departing from the city. They have to ensure the good sanitary condition of the city and take precautions against the accidents of fire. In addition to these duties they are expected to prevent the commission of crimes on the part of the inhabitants³.

1. P. 65, The Political Institutions & the Theories of the Hindus.

2. P. 143.

3. See pp. 143-147.

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From the above it will be seen that the administration of the capital town is exclusively manned by the king through his servants.

In this connection we cannot avoid making a few remarks as regards 'The Municipal Board' of Pataliputra, the metropolis of Chandragupta, the account of which has been preserved to us by Megasthenes, the Greek ambassador at his court. The functions of the 'Municipal Board' as detailed by Megasthenes¹ agree in the main with the duties which the Nāgaraka and his subordinates are called upon to discharge.² But curiously enough Kautilya makes no reference whatsoever to the existence of this constitutional body in charge of the affairs of the chief town of the State. It is probable that Megasthenes might have interpreted in the language

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1. See 'Megasthenes', Mc Crindle. Fragment 34.
 2. The chapter on '*Nagarakapranidhi*' doubtlessly concerns itself with the administration of the capital of the State, and not with that of other cities existing therein. For, as we learn from the chapter on *Durganivesha*, it is in Durga where the king and his functionaries reside (See P. 55), and what Kautilya refers as Nagara in *Nagarakapranidhi* (Cf समाहर्तृवत् नगरं चितयेत्! P. 143) is none else than the Durga itself as it is evident from the sentence occurring immediately on the next page. (Cf. एवं दुर्गचतुर्भागं स्थानिकश्चिन्तयेत्.)

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of his own country the body of town-officials headed by the Nāgaraka as mentioned in the Arthas'āstra, for it is almost impossible to conceive of an elected 'Municipal Board' as governing the capital of the State referred to in the Arthas'āstra.

Provincial (Janapada) administration is modelled on the same lines as that of the capital. The *Samaharta* or the Collector-general is the head of the province under whom are the four *Sthanikas* each in charge of a quarter of the Janapada. Under these officials there are numerous *Gopas* (the village accountants) in charge of five or ten villages. These latter set up the village boundaries, keep the most detailed census of occupations, income, and expenditure of men and also watch the conduct of the subjects.¹

Turning our attention to the village-administration we find that at the head of the village, there is the *Gramika* or headman appointed no doubt by the State².

1. PP. 141-143

2. This inference we base on the penal provision prescribed by Kautilya for *Gramika* failing in the proper discharge of his duties (Cf. ग्रामिकस्य ग्रामादस्तेनपारदारं निरस्यतश्चतुर्विंशति पणो दण्डः. P. 172). Had he been an officer of the village elected by the people there would have been no necessity for the state of subjecting him to penalties whenever he erred in his public duties and thus treating him as an officer for that would have been the concern of the people by whose will he was bound.

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He is assisted by a band of village elders or the *Gramavridhah*, there being no restriction as to their number. Such is probably the case because the number of members who form the (village) council varies according to the rise and fall in the number of the elderly folk of the village. Every oldman of the village, excepting of course, such a one with objectionable career and spoilt reputation, is, as the very term *Gramavridhah* suggests, by dint of his ripe age and mature wisdom, entitled to take active part in the general administration of his village. This is perhaps the reason why the shrewed author of the *Arthas'āstra* refrains from giving any particular number as to the strength of this little autonomous body. It is thus, as Prof. Altekar rightly conjectures¹ 'an informal and non-elective' council of the village elders through which the village communities exercise their rights or more appropriately discharge their duties to the State.

The following are the social duties entrusted to the village-elders:-

- (i) To take charge of estates belonging to minors and the property of gods. (बालद्रव्यं ग्रामवृद्धा वर्धयेयुराव्यवहारप्रापणात् । देवद्रव्यं च² ।) — "The elders of the village

1. P. 18 'History of village communities in Western India.'

2. P. 48 and also Cf. अप्राप्तव्यवहाराणां देयविशुद्धं मातृबन्धुषु ग्रामवृद्धेषु वा स्थापयेयुर्व्यवहारप्रापणात् । प्रोषितस्य वा ।

Ibid P. 161.

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shall protect the property of minors till they attain majority. They shall also preserve the property of the (village) gods. ”

- (ii) To decide boundary-disputes (क्षेत्रविवादं सामन्तग्राम-
वृद्धाः कुर्युः¹ ।) “Disputes concerning the boundary
of fields shall be decided either by the elders of
the neighbourhood or of the village.”
- (iii) To keep in good repairs temples, holy places, and
other religious sites:— सेतुकूपपुण्यस्थानचैत्यदेवायतनानि
चस्वाम्यभावे ग्रामाःपुण्यशिला वा प्रतिकुर्युः²। “In the
absence of their masters, either the elders of the
village or some charitable gentlemen shall repair
the (dilapidated) embankments, wells, holy places,
Chaityas, and the temples”.

These are all the public functions carried on by the village people with the assent of the Imperial State of the Arthas'āstra. The powers retained in the hands of the villagers, as we have just seen, are mainly those of trusteeship. They have no executive powers which are

1. P. 169 also Cf. सीमाविवादं ग्रामयोरुभयोस्सामन्ताः एकग्रामी
दशग्रामी वा etc. P. 168.

2. P. 171.

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exercised by the village head-man¹ who is a nominee of the central government.

The nature of the work with which the village elders are entrusted hardly warrant the inference that they enjoy or exercise any 'right' of active participation in the affairs of the state. On the contrary it clearly indicates the fact that the central government 'permits' its villagers to discharge such duties as mentioned above partly out of courtesy to them and partly with a purpose of facilitating its administration. So we may conclude by saying that neither in town nor in villages the public of the Kautilyan state claim for themselves any political right.

(iv) Right over State-action (Defence and offence):—

As in internal affairs, the citizens of the State with which Kautilya is concerned, do not claim any voice in the management of its external matters such as waging war or concluding peace with the neighbouring states. The king alone is the ultimate authority in determining the exact course of policy to be adopted in accordance with the exigencies of time and place with reference to foreign powers. Of course, in deciding the particular line of

1. He is vested with magistarial powers as he can expel thieves, adulterers and criminals from the village. Cf. ग्रामिकस्य ग्रामादस्तेनवारदारं निरस्यतः etc. P. 172.

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action, the king, according to Kautilya, has to consult his councillors for, he says, मंत्रपूर्वाः सर्वारम्भाः :— " All administrative measures are (always) preceded by full deliberation " (with the council). But these councillors, as we have once said, are no more than royal servants whose continuation in office solely depends on his will.

The king in his dealings with the neighbouring states, is to make use of sixfold expedencies in tune with the changing environments. Says Kautilya :—

परस्माद्धीयमानः संदधीत । अभ्युत्थीयमानो विगृह्णीयात् । न मां परो नाहं परमुपहन्तुं शक्त इत्यासीत् । गुणातिशययुक्तो यायात् ॥ शक्ति-हीनस्संश्रयेत् ॥ सहायसाध्ये कार्ये द्वैधीभावं गच्छेत्¹ ॥

"When inferior to his enemy the *Vijigishu* may make peace; when growing in power he may declare war; when he thinks:— ' I am not capable of crushing my enemy, nor the enemy is capable of crushing myself, then he may maintain neutrality; if possessed of all excellences he may march against his enemy; if deteriorating in strength he may seek shelter; and if he sees that any work is liable to be realised with the cooperation of others, he shall adopt double-dealing". With the help of these expedencies the king of the *Arthas'âstra* competes with his rivals for self-aggrandisement and consolidation of his power. He enters the political arena with the full

1. P. 263.

consciousness that he is the sole proprietor of his kingdom. This idea of proprietorship is discernible at every step in his dealings with the neighbouring states. This will be clear from the following examples:—

- (i) यदि वा पश्येत् — आयुधीयप्रायःश्रेणीप्रायो वा मे जनपदः
शैलवननदीदुर्गैकद्वारारक्षो वा शक्यति पराभियोगं प्रतिहन्तुमिति;
विषयान्ते दुर्गमविषह्यमपाश्रितो वा शक्यामि परकर्माण्युपहन्तु-
मिति; व्यसनपीडोपहतोत्साहो वा परः संप्राप्तकर्मोपघातकाल
इति; विगृहीतस्यान्यतो वा शक्यामि जनपदमपवाहयितुमिति
विग्रहे स्थितो वृद्धिमातिष्ठेत् ॥

" If a king thinks :— ' my country is full of soldiers and corporations of fighting men and it possesses such (natural defensive) positions, as mountains, forests, rivers, and forts with only one entrance, and can, therefore, easily repel the attack of my enemy, or, having taken position in an impregnable fortress on (my) frontier, I can destroy the projections of my enemy, or owing to internal troubles and loss of energy, my enemy will early suffer from the destruction of his works ; or, when my enemy is attacked by another king, I can induce his subjects to immigrate into my country ', then he may augment his own resources by keeping open hostility with such an enemy.¹

i. P. 265.

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- (ii) सन्धेयस्य वा दूतं प्रेषयेत् । तेन वा प्रेषितमर्थमानाभ्यां सत्कृत्य
ब्रूयात् — “इदं राज्ञः पण्यागारमिदं देवीकुमाराणां देवी
कुमारवचनादिदं राज्यमहं च त्वदर्पण ” इति¹ ।

“Or the Vijigîshu may send his ambassador to his enemy who is likely to accept peace. Or, having received the messenger of the enemy with wealth and due respect he may tell the latter, “Here are the presents for (your) king. This is the gift to your queen and the prince from my queen and the prince; myself and my kingdom are at your (entire) disposal.”

Such instances, which are strewn all over the latter half of the work, clearly show, that, like the feudal chiefs of Europe, the kings of the Arthas'āstra look upon their kingdoms as their own private estates. Hence it is that the citizens of the Kauṭīliyan State are completely alienated from the enjoyment of any political right either in its internal administration or in its diplomatic relations with other co-ordinate powers.

The king of Kauṭilya exercises proprietary rights over his state because, he is, like the Machivellian prince, primarily a conqueror² or the vijigîshu whose sole ambition is to establish his political influence. And

1. P. 230.

2. Vide P. 408.

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this object in the opinion of Kauṭilya, is realised by making new acquisitions of territories, as he says," :—

एवंविधेभ्यः पृथिवीं लभमानोऽर्थशास्त्रवित् ।
संहितेभ्यः परेभ्यश्च विशेषमधिगच्छति¹ ॥

'A king skilled in the Science of polity gains political superiority when he acquires territories from such sorts of allies and enemies.' All his external activities, therefore, are regulated and guided by the supreme material end of extending his own dominions. But in launching upon the policy of conquest he must be absolutely unfettered by any controlling agency in the state in adopting different courses of policy suitable to different conditions. And this is actually the case with the sovereign of the Arthas'āstra, for, as we have already stated, there is no higher authority than he in the whole realm. It is as a result of this most advantageous position that the conqueror-king adjusts of his own accord the international relations with the varying environments to the complete subordination of the will of the people. In fact, he never takes cognisance of the public will. This will be abundantly clear to any student of the Arthas'āstra who can afford to take even a cursory glance over the sixth and seventh chapters of the book.

1. P. 295.

CHECKS.

Dharma.

The State as conceived by Kaṭilya is predominantly an economic one. This is evident when he introduces a significant modification in the traditional list of the three ends of human existence, namely, Dharma, Artha, and Kāma by giving a distinct precedence to Artha over Dharma. Thus he remarks :— अर्थो धर्मः काम इत्यर्थत्रिवर्गः । तस्य पूर्वः पूर्वः श्रेयाननुसम्प्राप्तुम्¹ ।

“Wealth, righteousness, and enjoyment are the triad of wordly existence. Of these, it is better to secure that which is mentioned in the order of enumeration.” He makes this replacement because in his opinion “wealth is the basis of virtue and enjoyment:— अर्थो धर्मकामहेतुः । This view he expresses in unequivocal terms in the earlier part of the Arthasāstra when he declares:— अर्थ एव प्रधानः । अर्थमूलौ हि धर्मकामाविति² ।

“It is the wealth and wealth alone which is of supreme importance, since, virtue and enjoyment depend on wealth for their existence.” This trend of Kaṭiliyan thought presents a direct contrast to that of the Dharmasāstra thinkers who regard Dharma to be the basis of all.³

1. P. 361.

2. P. 12.

3. cf. धर्ममूलः सदैवार्थः कामोऽर्थफलमुच्यते ।

संकल्पमूलास्ते सर्वे संकल्पो विषयात्मकः ॥

Sānti parvan, Ch. 123.

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But this apparent subordination of Dharma to Artha as effected by Kautilya does not at all mean that he belongs to the Chārvāka school of philosophy which "denounces religion, scoffs at laws and morals and hates all discipline." For, unlike the Bārhaspatyas, the exponents of the hedonistic school, who ridicule the trayi¹ and describe it as a mere disguise for men of the world (संवरणमात्रं हि त्रयी लोकयात्राविद इति । P. 6), he accepts it as one of the lores and recognises with great reverence the value of their teaching as being helpful for the maintenance of the social order. (cf. एष त्रयीधर्मश्चतुर्णां वर्णानामाश्रमाणां च स्वधर्मस्थापनादौपकारिकः । P. 7).

Besides, like the authors of the Dharmas'āstras, he upholds the system of four divisions and four orders and repeatedly enjoins upon the king to keep them intact.² He also regards the vedic religion with due respect and this is evident when he allows some gratuitous gifts to the priest-hood (Cf. ऋत्विगाचार्यपुरोहितश्रोत्रियेभ्यो ब्रह्मदेयान्यदण्डकराणि etc. p. 46), and grants immunity from toll duties to all religious and sacrificial requisites. (Cf. वैवाहिकमन्वायनमौपयानिकं यज्ञकुल्य" etc. p. 111)*. But what

1. Cf. त्रयो वेदस्य कर्तारौ भण्डधूर्तनिशाचराः ।

जर्फरीतुर्फगीत्यादि पाण्डितानां वचः स्मृतम् ॥

(S. Sangraha)

2 Cf. P 9; P. 150; P. 40 .

* Many of the above quotations I owe to Mr. Mugali's paper on the 'Three main aspects of the Arthas'āstra'.

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is most significant of all is that he believes in the efficacy of Dharma or righteousness. In his opinion, one of the excellences of the treasury (*Kos'asampat*) of the State is that it should be hoarded by 'just means' (धर्माधिगतः p. 258). Again, according to Kautilya, a king who attacks the rear of another king who has marched against a virtuous king gains advantage, "for", says he, "one who persecutes the virtuous king incurs the displeasure of his own people and also those of others."¹ But the Brāhmaṇa in Kautilya rises to his highest when he refutes the argument of his wordly-minded preceptor who holds that treaty based on security (*Pratibhuhu*) or hostage (*Pratigraho va*) is permanent, whereas, that which is based on truth or oath is quite the reverse. To this Kautilya replies, "it is not so. Peace concluded on the basis of honesty or oath is immutable both in this and the next world. But what is made on a hostage or security is lasting in this world only because it depends upon the power of the person, who stands as a security or a hostage":—नेति कौटिल्यः । सत्यं वा शपथो वा परत्रेह च स्थावरस्सन्धिः । इहार्थ एव प्रतिभूः प्रतिग्रहो वा बलाक्षेपः² ।

1. P. 302.

2. P. 313. For the interpretation, of this passage see p. 70 of "The Studies in the Arthas'āstra" — Published by the Sanskrit Literary Association of the Karnatak College, Dharwar, in 1929.

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This passage clearly shows that he believes in the existence of a brighter world and a higher law. Such extracts bear eloquent testimony to the fact that unlike the hedonists, the author of the Arthas'āstra fully recognises the excellence of moral law or righteousness.

But though he believes in Dharma he is not so much concerned with it. As an ardent upholder of the tenets of the Arthas'āstra, he wants to impress upon the king the supreme importance of Artha in this world. "All undertakings," he says, "depend upon finance. Hence one shall first of all see to the treasury" (P. 65.). This attitude of Kautilya towards Dharma is indicative of the fact that at his time the institution of the State in India was slowly emerging from the theological stage.

Identity of Interests.

Artha being thus the one determinable factor in the life of the Kautilian king, it is in the fitness of things that all his efforts should be directed towards its acquisition mainly by making ever fresh conquests. But the only thing conducive to the fruitful adoption of the policy of conquest and extension is the stability of his own government which on its part solely depends upon the goodwill and loyalty of his subjects. This, however, is only secured when the sovereign identifies his own interests with those of his people and hence it is that

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Kauṭilya, shrewd that he is, expressly advises him to look upon the interests of his subjects as his own in this famous couplet:—

प्रजासुखे सुखं राज्ञः प्रजानां चाहितेऽहितम् ।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम्¹ ॥

“The happiness of his people is the happiness of the king, their sorrow is his sorrow. It is the welfare of his subjects and not of his own that will secure his happiness”. Especially in regard to the newly conquered people, the adoption of this policy is the strongest shield against despotism. It is, therefore, that under such circumstances, Kauṭilya instructs the king to be one with the conquered people by respecting their established institutions, customs, dress and language, and by showing his faith in their religious pursuits. (Cf. तस्मात्समानशील-
वेषभाषाचारतामुपगच्छेत् । देशदैवतसमाजोत्सवविहारेषु भक्तिमनु-
वर्तेत²). The foremost thing for the monarch intending to secure the allegiance of his people, to do is not to give

1. P. 39.

2. P. 409. It is needless to remind that this is nothing but one of the typical Kautilian expedencies. It is noteworthy that Machiavelli gives almost the same advice to his prince for the preservation of Dominion and stability of his government.

See Dunning pp. 215-217,
— Political Theories. Vol. I.

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rise to such factors as would tend to their degeneration, greed, and disaffection¹.

The second and perhaps the most important factor that would contribute to the successful maintenance of his home-administration and also to his personal safety is the character of the king himself. A monarch who is a rake or a libertine often expedites his own destruction. The loose character of the prince is surely detrimental to the preservation of his kingdom.² And hence in the opinion of Kautilya, a king even though having an only son, had better not enthrone him, if he is of objectionable character. (Cf. न चैकं पुत्रमविनीतं राज्ये स्थापयेत्³ ।) When the question arises as to whether the *Vijigishu* should march against an assailable enemy of righteous character (*Nyayavritti*) under great odds or the one of a vicious nature, then, according to Kautilya, it would be more advantageous to march against the latter as he says, "the subjects of a virtuous enemy involved in worse troubles, will help him when attacked, whereas, of

1. तस्मात्प्रकृतीनां क्षयलोभविरागकारणानि नोत्पादयेत्. p. 277.
Kautilya gives a very realistic description of the manifold causes of national discontent which would be as true today as they were in the days of the author, vide, p. 276.

2. This point Kautilya illustrates by taking various examples, both Pauranic and historical vide pp. 11-12.

3. P. 35.

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one with dissipated character (though) under less troubles, will be indifferent (and will cause his ruin), for, disaffected people can annihilate even a strong monarch."—गुरुव्यसनं न्यायवृत्तिमभियुक्तं प्रकृतयोऽनुगृह्णन्ति । लघुव्यसनमन्यायवृत्तिमुपेक्षन्ते । विरक्ता बलवन्तमप्युच्छिदन्ति² । It is, therefore, that Kaṭilya lays great emphasis on the moral and cultural attainments of the king. Perhaps from the nature and scope of the course of training¹ which the author of the Arthasāstra chalks out for the prince to undergo, it seems that more than anything else, he wants his monarch to become the most highly cultured and educated man in the whole of his realm. To conclude then the influence of Dharma, though feeble in its intensity as compared to its sway in the days of the Dharmasāstras, the identity of interests, and the highly refined character of the king both of which largely spring from the instinct of self-preservation, are mainly responsible in restraining the Kaṭiliyan prince from abusing absolute sovereignty with which he is supposed to be invested.

1. P. 275. 2. Vide pp. 54-59 of the essay.

V

CONCLUSION

Civil liberty, the fundamental requisite of democracy—It's total absence in the political philosophy of Kautilya — The Kautilian conception of monarchy and its complete identity with that of the Dharmasastras—Kautilya primarily a practical philosopher of the State—Court-policy of the Maurya emperor with regard to conquered States—The Samghas—Chandragupta, a worthy disciple of his master.

In the preceding chapter we critically analysed the contents of the Arthas'āstra and collected all the materials necessary to ascertain whether the State of Kautilya had at all any elements of modern democracy, namely, civil liberty and the right of the public to enforce their will on the State. These, it is needless to observe, constitute the very essence of democracy in the real sense of the term. Civil Liberty means the right of the public to call in question every despotic action on the part of the government, and the right to enforce the public will on the executive means popular control, whether direct or indirect, over the general administration of the State. These follow as the two corollaries from the theory of the subordination of the executive to the general will or

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the State in the abstract. So the most essential requisite of democracy is that the State should be both distinct from and above the government which should only serve as a medium to execute its orders. But from the critical examination of the Arthas'āstra we find that no such difference ever existed between the executive and the State. It was the king himself who was regarded as being identical with the State and as such there was no higher human authority who could control him. This shows that there was no general will apart from the will of the sovereign. As to the various high functionaries of the State, they were in no way bound by the will of the people. They were merely the servants of the king's own choice and consequently derived no power independently of him. The conception of the king being the ultimate authority in the State owed its origin to the instinct of proprietorship with regard to the kingdom over which he ruled. So with regard to the nature of the Kauṭilyian monarchy we arrive at the following conclusions :—

- (i). That the king was not at all subservient to the will of the people.
- (ii). That the state and the executive were one and the same.
- (iii). That if the rule of the Kauṭilyian king was benevolent it was due to a sense of Dharma and the instinct of self-preservation,

CONCLUSION

and not to any constitutional limitations on his sovereignty.

According to Kauṭilya, therefore, the idea of the State is firstly, that kingship should be identical with the State, and secondly that the king should enjoy absolute powers. But this idea of the State exactly coincides with the one of the Dharmas'āstras which we have noted in the course of our discussion over the nature of Hindu monarchy. From this it appears that though the work under discussion is primarily a manual of practical politics, and as such never occupies itself with the problems of political philosophy, yet, Kauṭilya takes the political philosophy of the Dharmas'āstras and the Mahābhārata for granted and treats of the practical administration of the State to suit the growing needs of a newly born empire. In fact, the philosophy of Kauṭilya is not primarily a philosophy of the State but that of its practical administration. The following remarks of Dunning made in connection with the philosophy of Machiavelli may be said to describe the Kauṭilyian philosophy. "His philosophy," observes the learned professor, "is a study of the art of government, rather than a theory of the State.....He is interested in the establishment and operation of the machinery of govt.—in the forces through which governmental power is generated and applied."¹

1. P. 293. Political Theories. Vol. I.

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The fact the Kauṭilya was the prime-minister of the Emperor Chandragupta and also the fact, that the administrative machinery described in that book of the Arthas'āstra entitled 'Adhyaks'prachāra', resembles one whose glimpse we obtain, from the partial observations of Megasthenes¹, who was himself an eye witness to the court life of the first Indian Emperor, establishes that the Arthas'āstra of Kauṭilya treats of the administration and the state-policy of his kingdom. Unlike the Roman Empire, the Mauryan Empire seems to have been mainly constituted of autonomous State. This appears most probable from the following advice which Kauṭilya gives to the conqueror with regard to his attitude towards the conquered king who is killed in action. Says Kauṭilya :—

न च हतस्य भूमिद्रव्यपुत्रदारानभिमन्येत । कुल्यानप्यस्य स्वेषु पात्रेषु स्थापयेत् । कर्मणि मृतस्य पुत्रं राज्ये स्थापयेत् । एवमस्यदण्डोपनतः पुत्रपौत्राननुवर्तन्ते । यस्तूपनतान्हत्वा बध्वा वा भूमिद्रव्यपुत्रदारानभिमन्येत, तस्योद्विग्नं मण्डलमभावायोत्तिष्ठते² ।

“ He should not covet the lands, wealth, sons and wives of the king slain (by him); on the contrary he should install in his own estate any scion of his family. He should invest with sovereignty the heir-apparent of

1. Vide pp. 35-42 of the introductory essay of Prof. Radhakumud Mukherjee to N. N. Law's Ancient Hindu Polity Vol. I,

2. P. 313.

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the king who has died working (either for or against the conqueror); all conquered kings if thus treated loyally follow the sons and grandsons of the conqueror. Whoever on the other hand, covets the lands, wealth, sons and wives of the king whom he has either slain or imprisoned, provokes the Circle of states and (thus) causes it to take up arms against him."

This policy of conciliation recommended by Kauṭilya and hence surely adopted by his master-disciple with reference to the subdued kings clearly indicates that Chandragupta was not so much after conquering the territories and thus bringing them, like the Roman Emperors, under his direct control, as he was after establishing and consolidating his political suzerainty on all sides of Magadha—probably the area of his personal rule. He was probably satisfied with receiving regular annuities from the various conquered powers but seems not to have tampered with their internal administration.

[As for these states, it must be said that they were all monarchical states. As to the Saṃghas whose acquisition on the part of the king Kauṭilya values so much¹, they must not have been ' States ' in the real sense of the word. From the Arthas'āstra they seem to have been only corporations or clan-governments just of the type of the primitive social institutions of the Vedic

1. संघलाभो दण्डमित्रलाभानामुत्तमः । P. 378.

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Āryans having no specific territory of their own.¹ The Samghas, appear to have been nothing more than mercenary guilds of warriors (only comparable to the Pindaries of later days), making their living either on trade and agriculture or on the profession for which they were naturally fit.² The Samghmukhyas referred to in the Arthas'āstra could be none else than the leaders of such corporate bodies.]

Chandragupta could not help following this sort of 'non-aggressive' policy with regard to the several states by which he was surrounded, in view of the slippery condition of the times in which he lived and also in view of the fact that he had to achieve the formidable task of establishing his sway on the minds of the people, when he, as an usurper, had ousted the Nanda dynasty rich with traditions. Hence we may safely infer that the personal reign of Chandragupta might not have been so oppressive to his subjects of Magadha in general, and of Pāṭaliputra in particular, in the midst of whom the emperor lived and moved, and with whose interests, as a worthy follower of the Kauṭīliyan philosophy, he identified his own.

THE END

1. So far as the Arthas'āstra is concerned, the Samghas are not mentioned either as holding territories or wielding political authority.

2. काम्भोजसुराष्ट्र.....श्रेण्यादयो वार्ताशस्त्रोपजीवेनः।P. 378.

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